

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9244 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- HALSI District- Lakhisarai

Raj Kumar Mahto @ Watru Son Of Late Genu Mahto Resident Of Village-
Pratap Pur, P.S. Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Halsi P.S.
Case No. 129 of 2021 registered for the offence under Section s
302 and 201 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2021.

The allegation against the petitioner is to commit
murder of the husband of the informant, due to previous enmity
arises out of local dispute and differences .

Learned counsel appearing on behalf of the petitioner
submitted that informant is not the eye witness of the



occurrence, and as mere one altercation took place 15 days prior to this occurrence, where on the basis of same name of the petitioner surfaced in the present case, whereas nothing surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present set of occurrence/murder. It is submitted that dead body of the deceased discovered from an open place which is not connected in any manner with this petitioner. It is further submitted that petitioner is involved in three (3) more criminal case, where he is acquitted and for his criminal antecedents, name of the petitioner surfaced in the present case due to oblique motive. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except suspicion as regard to previous altercation prior to this occurrence, where informant is not the eye witness of the occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Halsi P.S. Case No. 129 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Lakhisarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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