

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70050 of 2021

Arising Out of PS. Case No.-252 Year-2021 Thana- MASHRAK District- Saran

Awadh Mahto@Toka Mahto Son of Nageshwar Prasad Mahto Resident of
Village - Dhari Gopal, P.s.- Mashrakh, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19815 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- MASHRAK District- Saran

Mukesh Mahto @ Mukesh Kumar son of jagan mahto resident of village -
dhavari gopal, p.s.- Massrakh, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70050 of 2021)

For the Petitioner/s : Mr.Priyanka Singh, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 19815 of 2022)

For the Petitioner/s : Mr.Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-11-2022 (In CRIMINAL MISCELLANEOUS No. 70050 of 2021)

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 Mashrak



P.S. Case No. 252 of 2021 registered for the offence under Sections 302/34, 120-B of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.09.2021.

The allegation against the petitioner is to commit murder of son of informant along with other co-accused persons due to longstanding land dispute.

Learned counsel, Yogesh Chandra Verma, appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where the entire allegation is founded over suspicion in the background of land dispute. It is further submitted that even the F.I.R. is based upon hearsay input of one co-villager, namely Vikash Kumar, who claim to be an eye witness of the occurrence without specifying the name of petitioner. It is also submitted that nothing surfaced during the course of investigation in furtherance of said suspicion, which may connect this petitioner, *prima facie*, with present set of occurrence/murder. While concluding the argument, it has been submitted that statement of said Vikash Kumar, who claim to be an eye witness of the occurrence was also not recorded during the course of investigation and moreover, investigation of this case is complete, where charge-sheet has been submitted, as



such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that informant is not the eye witness of the occurrence as per F.I.R.

Considering the facts and circumstances as mentioned above, as informant is not an eye witness of the occurrence, where entire allegation is based upon the suspicion arises out of land dispute, where nothing surfaced to connect this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mashrak P.S. Case No. 252 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, Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(In CRIMINAL MISCELLANEOUS No. 19815 of 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 Mashrak P.S. Case No. 252 of 2021 registered for the offence under Sections 302/34, 120-B of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 02.11.2021.

The allegation against the petitioner is to commit murder of son of informant along with other co-accused persons due to longstanding land dispute.

Learned counsel, Yogesh Chandra Verma, appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where the entire allegation is founded over suspicion in the background of land dispute. It is further submitted that even the F.I.R. is based upon hearsay input of one co-villager, namely Vikash Kumar, who claim to be an eye witness of the occurrence without specifying the name of petitioner. It is also submitted that nothing surfaced during the course of investigation in furtherance of said suspicion, which may connect this petitioner, *prima facie*, with present set of occurrence/murder. While concluding the argument, it has been submitted that statement of said Vikash Kumar, who claim to be an eye witness of the occurrence was also not recorded during the course of investigation and moreover, investigation of this



case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that informant is not the eye witness of the occurrence as per F.I.R.

Considering the facts and circumstances as mentioned above, as informant is not an eye witness of the occurrence, where entire allegation is based upon the suspicion arises out of land dispute, where nothing surfaced to connect this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mashrak P.S. Case No. 252 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, Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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