

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42024 of 2021

Arising Out of PS. Case No.-291 Year-2019 Thana- ADAPUR District- East Champaran

UMESH MAHTO @ UMESH PRASAD KUSHWAHA S/O DASAI
MAHTO R/o village- Amodei (Shobha Tola) Ward No. 1, P.S.- Ramgarhwa,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Adapur (Harpur) P.S. Case No. 291 of 2019 for the offence
registered under Sections 302, 201, 120B/34 of the Indian Penal
Code.

The allegation is regarding the accused persons,
especially one Ram Udesb Kushwaha having had a quarrel with
the husband of the informant whereafter they are alleged to
have assaulted the husband of the informant with *kudal* and
knife, had cut the neck of her husband and had thrown the dead
body in a paddy field, whereafter the same was recovered by the
family members of the informant.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 04.04.2021. The learned counsel for the petitioner has further submitted that there is no eye witness to the alleged occurrence nor any evidence has come so as to connect the petitioner with the alleged crime. It is also submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide orders dated 14.10.2020 and 03.12.2020 passed in Criminal Misc. No. 25808 of 2020 and Criminal Misc. No. 25804 of 2020.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed



to be released on bail on furnishing bail bond of Rs. 10,000/-
(Ten Thousand) with two sureties of the like amount each to the
satisfaction of learned Sub-Divisional Judicial Magistrate,
Raxaul, East Champaran at Motihari in connection with Adapur
(Harpur) P.S. Case No. 291 of 2019.

(Mohit Kumar Shah, J)

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