

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47027 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Dhirendra Mahto Son of Late Ram Bilash Mahto Resident of Village - Thakur
Bigha, P.S. - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with
Daudnagar P.S. Case No. 37 of 2021 instituted for the offences
under Sections 302, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 22.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that while he was working in his field at 8:00
am on 21.01.2021 he came to know that his brother has been
brutally killed and accordingly he went to the place of
occurrence where he saw the dead body of his brother and his
head was badly crushed, thus on the basis of suspicion, alleges



that the petitioner along with three other named accused persons on account of previous dispute/enmity have killed his brother and when he reached the place of occurrence, he saw the accused persons, including the petitioner, fleeing from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the allegation is based on suspicion as there is no eyewitness to the occurrence i.e. who saw the petitioner and other named accused persons killing the deceased. Learned counsel further submits that though in the F.I.R. the informant alleges that he saw the petitioner and other named accused persons fleeing from the place of occurrence but the F.I.R. does not even remotely suggest that they were carrying any arms or weapon by which such injury can be inflicted. It is further submitted that the postmortem of the deceased was done on 21.01.2021 itself at 2:50 pm and the postmortem records that the death occurred in between 12-24 hours from the postmortem. Learned counsel thus submits that if the postmortem was carried at 2:50 pm on 21.01.2021 i.e. the date of occurrence and it records that the death occurred 12-24 hours prior to the postmortem that in itself demonstrates that the deceased was murdered on 20.01.2021.



Learned counsel further submits that informant for some ulterior reasons have implicated an innocent person.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 22.01.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent and taking into consideration the submissions made by learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 37 of 2021.

(Satyavrat Verma, J)

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