

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61982 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- PHULWARISHARIF District- Patna

1. Ganesh Mahto S/O Bihari Mahto Resident Of Village- Sangat Kumhar Toli, P.S.- Phulwari Sharif, District- Patna.
2. Sobh Nath Kumar S/O Ganesh Mahto Resident Of Village- Sangat Kumhar Toli, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Rajkumar Rajesh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      17-02-2022                      Heard learned counsel for the petitioners, the State and the informant.

Petitioners seek regular bail in a case registered for the offence punishable under sections 363/365/302/201/120B/34 of the Indian Penal Code.

As per the prosecution case, FIR is against unknown persons for murder of informant's son.

Learned counsel for the petitioners submits that the FIR has been lodged after delay of 8 days and there is no explanation of delay. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner's name has figured during course of investigation in the re-statement of the informant contained in paragraph 32 of the case diary as well as in the confessional statement of co-accused Kavita Kumari. Save and except the same, no other substantive evidence has been collected during course of



investigation to suggest the implication of these petitioners in the present case. Petitioners claim clean antecedent and they are in custody since 25.3.2020. Investigation is complete.

Learned counsel appearing for the State and the informant oppose the prayer for bail and submit that the informant in her re-statement has taken name of these petitioners. Co-accused Kavita Kumari has also named the petitioners in her confessional statement as the person who was involved in the aforesaid offence.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let both the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Judge IX cum Additional Chief Judicial Magistrate, Patna in Phulwari Sharif Police Station Case No. 122 of 2020.

**(Prabhat Kumar Singh, J)**

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