

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62123 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- MUFFASIL District- West Champaran

Rajesh Mahato, S/o Vishwanath Mahato @ Bishvanath Bhagat R/o Barwat Sena, P.S.- Bettiah (Muffasil), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 08-08-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bettiah (Muffasil) P.S. Case No. 202 of 2021 registered for the alleged offences under Sections 302 and 120(B) of the Indian Penal Code.

As per prosecution case, the husband of the informant was murdered and the FIR was registered on fardbeyan of the informant. Later on, it came up during investigation that the informant and this petitioner murdered the husband of the informant as the petitioner was having illicit relationship with



the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR is against unknown and there is no eye-witnesses to the alleged occurrence. The deceased was having serious land dispute with Birbal Yadav and also with some other local persons. Learned counsel further submits that except for confessional statement, there is nothing against this petitioner since the name of the petitioner was disclosed by spy of the police and to justify the information, further story has been developed about confession and illicit relationship of the petitioner with the informant. Even the sniffer dog did not go to the house of the petitioner when it was called during investigation. Learned counsel further submits that allegedly the sim issued in the name of the wife of the petitioner was found in possession of the informant and only on this piece of evidence, the petitioner is being implicated in this case. Otherwise, there is nothing of any substance on record showing involvement of the petitioner in the occurrence. The petitioner is in custody since 27.06.2021 and charge-sheet has already been submitted.

Learned APP opposes the prayer for bail submitting that confessional statement of the petitioner and co-accused



informant was recorded and recovery of the weapon used in the offence, could not be made as the same was thrown away in the river and might have taken away by its regular flow.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is lack of any substantive material against this petitioner in the case diary and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettian (Muffasil) P.S. Case No. 202 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Bishwanath Bhagat, father of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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