

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55263 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Sulendra Mahto, S/O Late Manik Lal Mahto, Resident of Village- Phulmallik,
P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ansh Dhar Sharma, Advocate
Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-12-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioner that the wife of the petitioner is seriously ill and the doctor of Primary Health Centre, Gadhpura has referred her to Cardiac Department, Sadar Hospital, Begusarai.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Sahebpur Kamal P.S. Case No. 166 of 2022, registered for the alleged offences under Sections 302, 201, 120 (B) of the Indian Penal Code.

As per prosecution case, the daughter of the informant died in the house of her co-accused husband after ten years of



marriage. The petitioner is stated to be involved in the murder of the daughter of the informant along with the co-accused husband and others.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name surfaced in this case during investigation. The petitioner is not related to the co-accused husband in any manner. He is merely an outsider and has no concern with the offence as alleged. Except for suspicion, there is nothing against the petitioner to prove the complicity of the petitioner with the alleged offence. Nothing incriminating has been recovered from the possession of the petitioner. The petitioner is in custody since 26.06.2022 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the name of the petitioner transpired during investigation that he is stated to be involved in the murder of the daughter of the informant along with the co-accused husband and others.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation coupled with the fact that the petitioner has not been named in the FIR and he is stated to be an outsider and not related to the co-accused husband in any manner and further



considering the submission of charge sheet and the period of custody of the petitioner, he 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 Additional Chief Judicial Magistrate-IV, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 166 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (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.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

