

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6161 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- HARLAKHI District- Madhubani

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MUKESH YADAV S/O LATE UMESH YADAV Resident of Village- Kerva
Mukhiyapatti Musharitol, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Adv.
Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, Adv.
Mr.Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-05-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant
of regular bail in connection with Harlakhi P.S. Case No. 123 of
2022 dated 03.05.2022 registered under sections 302 and 201
read with section 34 of the Indian Penal Code.

As per the prosecution case, there was a land dispute
between the informant and the co-accused persons. On
02.05.2022, the informant's husband went out of the house but



he did not return till 7 PM. On search the informant came to know that one dead body was found in Yamuna River which was identified as the deceased Rajeshwar Mahto. Upon inspection, marks of strangulation were found on the front part of the neck and blood and injuries were found on the back of the head. The informant has also claimed that the co-accused Ram Ekbal and Ram Sagar Mahto committed murder of the informant's husband and threw his dead body in the said river.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Radhe Yadav who has already been granted bail by the Coordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 48441 of 2022. The petitioner is also accused in two other criminal cases which are related to Excise Act as stated in para 2 of the supplementary affidavit. The petitioner is in custody since 25.05.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of



the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Harlakhi P.S. Case No. 123 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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