

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7931 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- BIND District- Nalanda

SANJAY MAHTO SON OF LATE SHIVNANDAN MAHTO RESIDENT
OF VILLAGE- NIGRAIN, POLICE STATION- BIND, DISTRICT-
NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Bind PS case no. 97 of 2021 instituted for the offences
punishable under Sections 302/34 of the Indian Penal Code.

The case of the prosecution, according to the
informant is that on 15.07.2021 at about 9 pm, the husband of
the informant had gone to his land near Burhwa Kuan, where all
the accused persons including the petitioner herein, had
assaulted the husband of the informant with sticks and lathi and
injured him badly, resulting in his subsequent death.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in the



present case, is having a clean antecedent and is languishing in custody since 13.09.2021. It is further submitted that the actual fact is that the husband of the informant had met with an accident, which has resulted in his death and no such occurrence, as alleged, had ever taken place.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime, inasmuch as they are also *prima facie* stated to be having complicity in assaulting the deceased and murdering the husband of the informant, hence, I do not find any merit in the present case, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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