

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25701 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- AGAMKUAN District- Patna

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Dharmendra Kumar Mahto @ Dhara @ Raju @ Mukesh Mahto S/O Sri
Surendra Mahto Resident of Mohalla - Gandhi Nagar, In Lagan Colony Hut,
P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 48 of 2023, arising out of Agamkuan P.S. Case No. 383 of 2022 registered on 01.06.2022 for the alleged offences under Sections 302 and 120B/34 of the Indian Penal Code.

3. As per prosecution case, the husband of the informant was murdered and she named two persons in the FIR apart from an unknown person. The name of the petitioner came up during investigation as one of the associates of co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The name of the petitioner came up in the confessional statement of co-accused Babloo @ Rathoor but no specific overt act has been attributed to this petitioner. Learned counsel further submits that there is no eye witness to the alleged occurrence and there is no specific allegation against the petitioner. Even no material has come up during investigation. The petitioner is in custody since 03.09.2022 and charge sheet has been submitted. The petitioner has got criminal antecedent of one case but he is on bail in the said case.

5. Learned APP opposes the prayer for bail submitting that the name of the petitioner transpired during investigation and the case has been found true against the petitioner as well.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Patna City/concerned court in connection with Sessions Trial No. 48 of 2023, arising out of Agamkuan P.S.



Case No. 383 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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