

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26460 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- CHORAUT District- Sitamarhi

Bhogi Mahto Son Of Late Khoni Mahto @ Baldev Mahto Resident Of
Village-Verma, P.S.-Choraut, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Choraut
P.S. Case No.133 of 2022 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.07.2022.

The allegation against the petitioner is to commit
murder of the son of informant alongwith other co-accused
persons/family members by making an assault with rod, leg and
fist etc., where after noticing the death of the son of informant
the dead body was hanged in front of the gate of the house of
the informant.



Learned counsel appearing on behalf of the petitioner submitted that apparently informant is not the eye-witness of the occurrence and entire implication is based on suspicion and hearsay input. It is also submitted that as daughter of petitioner alleged to be in love affairs with the deceased son of informant, the present implication was raised out of said suspicion. It is also submitted that no postmortem was conducted in this case as earlier there was no such suspicion and after cremation of the dead body, present F.I.R. was lodged with the delay of 5 days being an afterthought out of village disputes and differences. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that petitioner alongwith other co-accused persons/family members has not approved the love affairs of his daughter with the deceased son of informant, hence killed the son of informant. While opposing the prayer for bail learned counsel appearing on behalf of informant fairly conceded that



postmortem was not conducted in this case.

In view of the facts and circumstances as mentioned above as save and except suspicion nothing incriminating appears against this petitioner, where present F.I.R. was lodged after the delay of five days without any just explanation coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.07.2022, accordingly above named petitioner is directed to be released on bail in connection with Choraut P.S. Case No.133 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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