

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28015 of 2022

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

1. SUNIL MAHTO S/o Late Shivnandan Mahto R/o village- Nigrain, P.S.- Bind, District- Nalanda
2. Santosh Mahto S/o Late Shivnandan Mahto R/o village- Nigrain, P.S.- Bind, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
	:	Mr. Malay Kr. Choudhary, Advocate
	:	Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2023 Heard the learned counsel for the petitioners and
the learned APP for the State.

The petitioners seek 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 petitioners 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 petitioners submits



that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are 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 petitioners 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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