

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39733 of 2023

Arising Out of PS. Case No.-368 Year-2022 Thana- SUPPI District- Sitamarhi

1. Jitendra Kumar Mahto Son Of Shivpujan Mahto R/O Village Mohani Khurd, Nankar, P.S. Suppi, Distt. Sitamarhi
2. Ravindra Mahto @ Ravindra Kumar Son Of Shivpujan Mahto R/O Village Mohani Khurd, Nankar, P.S. Suppi, Distt. Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Suppi P.S. Case No. 368 of 2022 registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per prosecution case, the informant alleged that on 2.11.2022 at about 6:30 PM, her son Jitendra Kumar @Jitu went with FIR named accused persons including the petitioner for cooking fish. But on the next day, dead body of informant;s son was recovered. The informant raised suspicion against the petitioner along with others regarding murder of her son.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They



have falsely been implicated in this case only because they have been lastly seen with the deceased. It is also submitted that the petitioner no.2 has surrendered before court below and further his confessional statement has been recovered in which, he stated about murder of the deceased by pistol but the said pistol has not been recovered as yet. The confession before police is not admissible in the eye of law. No one is eye witness of the alleged occurrence. Except suspicion, no any consistent material has come against the petitioners. Moreover, they are languishing in judicial custody since 10.11.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period of the petitioners, this court is inclined to enlarge them on bail. The above named petitioners are directed to be released on bail in connection with Suppi P.S. Case No. 368 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sitamarhi.

(Sunil Kumar Panwar, J)

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