

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.41925 of 2023**

Arising Out of PS. Case No.-98 Year-2023 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

GAJENDRA KUMAR @ GAJENDRA MAHTO @ GAJENDRA KUMAR  
MAHTO S/O RAMCHANDRA MAHTO @ RAMCHANDRA MAHTON  
R/O Village- Nagdah, Ward no. 11, P.S- Muffasil (Singhoul OP), Distt.-  
Begusari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Arun Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

3      07-08-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case  
registered for the offence punishable under sections 302/34 of  
the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner along with  
co-accused persons are alleged to have committed murder of  
the informant's husband by shot fire. The informant raised  
suspicion that the accused persons killed her husband in the  
background of dispute.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. It is



further submitted that the the petitioner confessed his guilt in respect of conspiracy made by himself but he stated that other co-accused persons have shot fire to the deceased. The confession before police is inadmissible in the eye of law. No one is eye witness of the alleged occurrence. The case has been lodged on the basis of suspicion. During investigation, no relevant material came against the petitioner, rather the petitioner was last seen with the deceased and on the basis of which he has falsely been made accused. He has got no criminal antecedent as stated in para-3 of the bail petitioner. It is further submitted that the petitioner is languishing in judicial custody since 21.2.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 98/2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate, Begusarai.

(Sunil Kumar Panwar, J)

Amandeep/-

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