

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48555 of 2022

Arising Out of PS. Case No.-530 Year-2016 Thana- KHAGARIA District- Khagaria

1. Valmiki Mahton S/O Kaleshwar Mahton, Resident of village- Bahuaara, P.S.- Mansurchak, District- Begusarai.
2. Dhananjay Kumar S/O Snajit Mahton @ Sushil Mahato, Resident of village- Bahuaara, P.S.- Mansurchak, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Khagariya (Gangour) P.S. Case No. 530 of
2016 (G.R. No. 1877 of 2016), registered for the alleged
offences under Sections 302, 201/34 of the Indian Penal Code.

As per prosecution case, the son of informant was
murdered and his dead body was thrown near an orchard. Prior
to the said occurrence, the sister-in-law of the informant was
strangled by unknown person. The informant named two



persons, namely Sunil Kesari and Bipin Mahto, who might have killed his son with the help of unknown criminals. Later on name of the petitioners transpired as the persons who murdered the son of the informant. Incidentally, the petitioner Valmiki Mahto is the brother of informant and petitioner Dhananjay Kumar is the brother-in-law of petitioner-Valmiki Mahto.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and all the allegations are false and concocted against them. From the F.I.R., it is apparent that the sister-in-law of the informant was having illicit relationship with co-accused Sunil Kumar and Bipin Mahto, which was being opposed by the deceased son of the informant and some unknown persons murdered the sister-in-law as well as the son of informant. Regarding the murder of his sister, petitioner No.2 has lodged Khagariya (Ganour) P.S. Case No. 507 of 2016 on 18.08.2016. During investigation, the name of petitioners transpired as the persons who killed the informant's son, but there is no eye witness to certify the said allegation and the police only recorded it's suspicion that through the mouths of all the witnesses it was commonly heard that the petitioners murdered the son of the informant whereas the wife of petitioner No.1 was murdered by the informant and



others. The petitioners are in custody since 05.04.2022 and charge-sheet has been submitted. The petitioners have got no criminal history.

Learned APP for the State opposes the prayer for bail submitting that the witnesses in Paragraph, 61, 62, 63 and 64 of the case diary have stated about involvement of the petitioners and their statements were also recorded under Section 164 of the Cr.P.C. and one witness, namely, Vinod Chaurasia named the petitioners who killed the informant's son. These witnesses have also stated before the police about illicit relationship of the deceased with the wife of petitioner No.1.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioners to connect them with the offences as alleged and further considering the period of custody of the petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagariya, in connection with Khagariya (Gangour) P.S. Case No. 530 of 2016 (G.R. No. 1877 of 2016), subject to the conditions



mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners 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 bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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