

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50107 of 2022

Arising Out of PS. Case No.-532 Year-2020 Thana- BIDUPUR District- Vaishali

1. Sagar Mahto @ Ram Sagar Mahto S/o Sukhdev Mahto Resident of Village- Raghapur Chaturganj, P.S.- Bidupur, District- Vaishali.
2. Radha Mahto @ Radhe Shyam Mahto S/o Sagar Mahto @ Ram Sagar Mahto Resident of Village- Raghapur Chaturganj, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 14-02-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Bidupur
P.S. Case No. 532 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code (for short 'I.P.C.').

The accused/petitioners are named in the F.I.R. and
are in custody since 08.04.2022.

The allegation against the petitioners is to commit
murder of the father of informant for previous money related
disputes, where an amount of Rs. 3,00,000/- (Rupees Three



Lakh) was alleged to be recovered by the deceased.

Learned counsel appearing on behalf of the petitioners submitted that implication is appearing false on its face and moreover, the charge-sheet in this case has been submitted under Section 306 of the Indian Penal Code. It is also submitted that the dead body of deceased was found hanging in mango orchard, where admittedly informant is not the eye witness of the occurrence and merely on the ground of suspicion that deceased was called by wife of petitioner no. 1 to settle the account of previous loan of Rs. 3,00,000/- (Rupees Three Lakh), the present allegation was raised. It is further submitted that act of petitioners cannot be said to be an active or direct act leading the deceased to commit suicide, being left with no option. While concluding the argument, it has been submitted that both above named petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that charge-sheet in this case is submitted under Section 306 of the Indian Penal Code.

Considering the facts and circumstances as mentioned



above, as informant is not the eye witness of the occurrence, where entire implication is based upon suspicion due to previous settlement of the account coupled with the fact that charge-sheet has been submitted, let both above named petitioners are directed to be released on bail in connection with Bidupur P.S. Case No. 532 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/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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