

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52151 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- PUNAURA District- Sitamarhi

Chunnu Kumar Mahto Son of Satyanarayan Mahto Resident of village -
Pachtaki Yadu, P.S. - Bairstania, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Punaura P.S. Case No. 5 of 2023 lodged under Sections 302/34
of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons.

4. Learned counsel for the petitioner submits that in
the F.I.R., the name of the petitioner is not there. He submits
that the informant is the wife of deceased and her husband was
found dead by cutting his neck. Counsel further submits that in
the case diary as per the rejection order, the name of petitioner
has figured by virtue of disclosure of the confessional statement
of witnesses, namely, Bittu Kumar and others.

5. Counsel further submits that petitioner is in custody since 08.02.2023 having clean antecedent. He submits that charge-sheet has already been submitted in this case.

6. Learned counsel for the State opposes the prayer for bail and submits that in the case diary, this fact has come that the petitioner is a *hawker (feriwala)* who used to sell clothes after purchase the same from the wholeseller who is nonetheless but the deceased.

7. Counsel further submits that in the confessional statement of the co-accused, it has come that the petitioner along with the other persons has prepared a plan and acted upon by virtue of killing the informant's husband.

8. Upon specific query that whether charge has been framed or not. As per the knowledge of counsel, charge has not been framed till date.

9. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected, but liberty is hereby granted to the petitioner that he may renew his prayer for bail 3 months after framing of charge.

(Dr. Anshuman, J.)

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