

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58747 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- SUGAULI District- East Champaran

1. Jitendra Mahto @ Jitendra Prasad Son Of Chirkut Mahto @ Sita Ram Mahto Resident Of Village - Phulwariya, P.S. - Sagauli, District - East Champaran
2. Dayanand Manjhi @ Dayanand Kumar Son Of Pramod Manjhi @ Pradip Manjhi Resident Of Village - Phulwariya, P.S. - Sagauli, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 13.04.2023 and 18.01.2023 respectively, in connection with Sugauli P.S. Case No. 105 of 2023, F.I.R. dated 16.03.2023 registered for the offences punishable under Sections 341, 323, 307, 302, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioners is of abusing and assaulting the informant as well as her husband and due to the assault the informant's husband died on the spot.

4. Learned counsel for the petitioners submits that



the petitioner no. 1 namely Jitendra Mahto @ Jitendra Prasad having one antecedent and petitioner no. 2 namely Dayanand Manjhi @ Dayanand Kumar has clean antecedent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the informant is the eye witness of the alleged occurrence.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail and submits that as per F.I.R. the allegation against these petitioners is of abusing the assaulting the informant as well as her husband and due to the assault of the petitioners, the husband of the informant died and there is direct and specific allegation against these petitioners and the postmortem report of the husband of the informant supports the allegation as alleged in the F.I.R. and there are direct and specific allegation against these petitioners that they have committed the murder of the husband of the informant.

6. Considering the aforesaid facts that there is direct allegation against the petitioners, I am not inclined to enlarge the petitioners on bail in connection with Sugauli P.S. Case No. 105 of 2023 pending in the Court of Judicial Magistrate 1st



Class, Motihari, East Champaan.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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