

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57737 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- ASHOK PAPER MILL District-
Darbhanga

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SUSHIL KUMAR MAHTO Son of Suresh Mahto, Resident of Village-
Ratanpura, P.S.- Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 56627 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- ASHOK PAPER MILL District-
Darbhanga

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POOJA DEVI Wife of Late Bechan Mahto, Residence of Vill. - Ratanpura,
P.S.- Ashok Paper Mill, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 57737 of 2022)

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Jai Narain Thakur

(In CRIMINAL MISCELLANEOUS No. 56627 of 2022)

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 05-05-2023 Heard the learned counsel for the petitioners as well

as Mr. J. N. Thakur and Mr. Mukesh Kumar Singh, the learned

Additional Public Prosecutors for the State.

The petitioners are seeking regular bail in connection

with APM P.S. Case No. 106 of 2022, registered for offence



punishable under Section 302/34 of the Indian Penal Code.

The informant Puja Devi claims herself to be widow of deceased Bechan Mahto. As per prosecution story mentioned in the FIR, the informant and her husband were sleeping at their grocery shop. In the mid-night, two unknown persons, who had covered their faces with handkerchief, entered into her house. One of them inflicted knife blows on her husband. She could not make hue and cry, as her mouth was already gagged with *Gamacha*. During investigation, the complicity of the informant Puja Devi, who is petitioner, has emerged and she has been made accused along with petitioner Sushil Kumar Mahto.

The learned counsel for the petitioners has submitted that accused Puja Devi is resident of Uttar Pradesh. Bechan Mahto was working in Uttar Pradesh and he developed relationship with Puja Devi and thereafter, he solemnized marriage with her and repatriated to his own State and they were residing for 14 years in that locality. He has submitted further that they were socially boycotted since Puja Devi was a lady belonging to lower caste in comparison to the deceased. The persons of the locality were not happy with them and it was the reason that some enemies were around them in the locality. The FIR is against unknown and none had seen the occurrence and the



informant Puja Devi is though victim, but has falsely been implicated in this case merely on the basis of her confessional statement.

On the other hand, Mr. Mukesh Kumar Singh as well as Mr. J. N. Thakur, the learned Additional Public Prosecutors have opposed the prayer for bail and submitted that during investigation, it has emerged that Puja Devi, wife of the deceased, had illicit relation with the petitioner Sushil Kumar Mahto, as mentioned in paragraph no. 35 of the case diary. In paragraph nos. 12 and 13 of the case diary, the witnesses Chhattu and Chitranjan stated categorically that the petitioner Puja Devi had illicit relation with petitioner Sushil Kumar Mahto and due to that relation, some quarreling used to take place between the husband and wife and it was the reason that the petitioners committed murder of Bechan Mahto. Mr. Mukesh Kumar Singh, the learned APP has also submitted that the self inculpatory confessional statements of Sushil Kumar Mahto and Puja Devi show their complicity and they have given vivid description of the entire occurrence of the murder and the weapon (knife), by which they had committed murder, was recovered at their disclosure, as mentioned in paragraph no. 39 of the case diary. The confessional statement is leading to



recovery.

Considering the materials collected during the course of investigation, the complicity of the petitioners clearly emerges. I do not think it to be proper cases for grant of bail, which are accordingly rejected.

(Nawneet Kumar Pandey, J)

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