

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56979 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- AMNAUR District- Saran

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1. SURENDRA MAHATO SON OF SRI HARI MAHATO R/O VILLAGE-KHASPATTI, P.S.- AMNAUR, DISTT.- SARAN AT CHAPRA
 2. LAGANI DEVI WIFE OF SURENDRA MAHATO R/O VILLAGE-KHASPATTI, P.S.- AMNAUR, DISTT.- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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

ORAL ORDER

6 28-03-2023 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Amnaur P.S. Case No. 152 of 2022 registered for offence punishable under sections 302/201/34 of the Indian Penal Code.

The informant Gunjan Kumar Singh lodged the FIR, stating therein that her grandfather Upendra Singh (deceased) had given his land to the petitioners on *Bataiya*, but they were neither paying the rent nor share in crops. The petitioners were making evasion whenever his grandfather asked them to vacate the land. On 29.05.2022, Upendra Singh went to the house of the petitioners to demand his share in crops and before



proceeding to the house of the petitioners, he apprised the informant that the petitioners had called him to their house for payment of dues of rent. Later on, his dead body was found at *Jhagra Chowk* and it was detected that someone had killed him mercilessly by slitting his throat.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. None have seen the occurrence. Two witnesses, examined during the course of investigation, are the family members of the informant and not a single or independent witness has been examined. He has also submitted that the injury report shows that his penis was found cut, which shows the story otherwise. He has also submitted that the petitioner no. 2 is a lady and she could not be supposed to have involved in killing of the deceased as mentioned in the FIR.

Considering the fact that **petitioner no. 2** is a lady of clean antecedent, **let her be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Saran at Chapra in connection with Amnaur P.S. Case No. 152 of 2022, subject to the following conditions:-

- (i) She shall cooperate in the disposal of trial and



make herself available as and when required by the court.

(ii) If she is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of her bail and the learned court below will take decision in accordance with law.

So far as **petitioner no. 1** is concerned, his prayer for bail is **rejected**.

It is expected that the trial shall be concluded within a period of nine months and if it is not concluded within nine months, the petitioner no. 1 may renew his prayer for bail.

(Nawneet Kumar Pandey, J)

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