

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59632 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Shyam Jee Mahto @ Shyamjee Prasad S/O Late Madai Mahto Resident Of
Village- Ramgadwa, P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

As per prosecution story, informant who is wife of the deceased, alleged that the petitioner came to her house on 18.6.2021 at night and called her husband. The informant's husband namely, Shiv Shankar Yadav went with the petitioner but did not return thereafter his dead body was laying near the bridge, in the East side from the house of the petitioner. It is further alleged that the petitioner is indulged in hatching conspiracy to kill the informant's husband in connivance with others.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. There was a



quarrel between the petitioner and deceased under the influence of intoxicant due to which he has falsely been implicated in this case. There were neither eye-witness of alleged occurrence nor any consistent material came against the petitioner rather his name came into light in this case merely on suspicion. As per postmortem report, doctor opined the cause of death of the deceased Shiv Shankar Yadav is asphyxia due to drowning. It is further submitted that the petitioner is languishing in judicial custody since 20.6.2021.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kuchaikote P.S. Case No. 251 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Gopalganj.

(Sunil Kumar Panwar, J)

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