

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66152 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- BARGAINIA District- Sitamarhi

Saheb Mahto Son Of Jiyalal Mahto R/O Vill - Parsauni, P.S. - Bairgania,
Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, A.P.P
For the Informant/s	:	Mr. Subodh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State as well as the learned counsel for the
Informant.

2. The petitioner has preferred this application for
grant of regular bail in connection with Bairgania P.S. Case No.
361 of 2022 dated 11.12.2022 registered for the offences
punishable under Section 302 read with 34 of the Indian Penal
Code and Section 3(2)(v) of the SC/ST (POA) Act.

3. As per the prosecution case, on 10.12.2022 at about
5 P.M., the petitioner along with 2-3 unknown miscreants is
alleged to have taken the informant's husband with them on his
bike towards *Patahi*. It is further alleged that at about 6 P.M.
they committed murder of her husband in front of her house



after assaulting and threw his dead body on the *bandh* situated in front of her house. The informant was told that her husband was sleeping on the *bandh*. When the informant went there she came to know that her husband had died. Thereafter, the informant's husband was taken to the hospital where doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no eye witness of the alleged occurrence. There is general and omnibus allegation against the petitioner. No offence under the SC/ ST Act is made out against the petitioner. Learned counsel has further submitted that in the F.I.R it has not been mentioned that on which part the deceased was assaulted with what weapon. The petitioner is accused in one more criminal case and he is on bail which is not related to the offence of murder as stated in para 3 of the bail petition. The petitioner is in custody since 13.03.2022 i.e. more than one and half year.

5. Learned A.P.P. for the State as well as the learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner. It is further submitted that as



per the impugned order, dated 11.04.2023, the cause of death was due to haemorrhage and shock leading to C/R failure as a result of the injuries caused by hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Bairgania P.S. Case No. 361 of 2022, with the condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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