

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63661 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BANGARA District- Samastipur

1. Lakki Kumar @ Lakki Mahto, Son Of Vishwanath Mahto, R/O Rahimabad, Bangra, Ps- Samastipur, Bihar, 848101
2. Sita Devi, Wife Of Vishwanath Mahto, R/O Rahimabad, Bangra, Ps- Samastipur, Bihar, 848101

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Bangra P.S. Case No.122/2022, corresponding to GR
No.2707/2022 lodged on 23.09.2022 under Sections 302/34 of
the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against four named and one unknown accused person
alleging therein that the son of the informant used to work as a
labor at Karnal where he fell in love with a girl due to which the
enmity arose between the petitioners and the informant's son.
Subsequently, on 22.09.2022, the informant came to know that



his son was called by the accused persons along with the petitioner and, thereafter, he was killed by them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The FIR has been lodged only on the basis of suspicion. He further submits that vide order dated 10.10.2023, the case diary along with the post-mortem report has been called for. He further submits that the antecedent of the petitioners are clean. Petitioner No.1 is in custody since 23.09.2022 whereas Petitioner No.2 is languishing in custody since 01.05.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that it is a case of murder and the allegation of the informant is that he is an eye witness to the occurrence of killing of his son by assault and strangulation.

6. A bare perusal of the post-mortem report suggests that the doctor has opined that there is no external injury on any part of the body of the deceased.

6. Considering the fact that the doctor has not found any external injury on the body of the deceased during post mortem, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction



of learned Sessions Judge, Samastipur, in connection with Bangra P.S. Case No. 122/2022, in Sessions Trial No. 328/2023 and Sessions Trial No. 402/2023, subject to the as laid down under section 437(3) Cr.P.C.

(Dr. Anshuman, J)

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