

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60967 of 2022

Arising Out of PS. Case No.-337 Year-2022 Thana- BAHADURPUR District- Darbhanga

1. MITHUN SAH S/o Late Binod Sah R/o Mohalla Ganj Chowk, near Satsang Mandir, P.S.- Bahadurpur, Distt- Darbhanga.
2. Amit Sah S/o Late Binod Sah R/o Mohalla Ganj Chowk, near Satsang Mandir, P.S.- Bahadurpur, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2023 Heard the learned counsel for the
petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Bahadurpur P.S. Case No.337 of 2022, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The son of the informant, namely, Mahendra Paswan is stated to be working in an Aluminium Factory situated at Belayakub, Darbhanga where he was living in a rented house and, on the fateful day, i.e, 18.07.2022, the informant learnt from factory owner that his son had been murdered in the rented room,



whereafter he had gone to the place of occurrence where he found that the dead body of his son is lying bearing injury marks on his neck, head, face, chest, stomach and other places and it appeared that sharp cutting weapon had been used for brutally murdering the son of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 21.07.2022. It is further submitted that the petitioner no.1 is an accused in one another case, however, the petitioner no.2 is an accused in six other criminal cases, but they are on bail in all the said cases. It is also submitted that there is no eye witness to the alleged occurrence and moreover, no weapon used for killing the deceased, i.e. the son of the informant, has been recovered from the possession of the petitioners and they have been implicated in the present case merely on the basis of their confessional



statement which has got no evidentiary value in the eyes of law.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that neither there is any eye witness to the alleged occurrence nor any weapon used in the murder of the son of the informant, has been recovered from the petitioners, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga at



Laheriasarai in connection with Bahadurpur P.S.
Case No.337 of 2022.

(Mohit Kumar Shah, J)

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