

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67436 of 2023

Arising Out of PS. Case No.-368 Year-2022 Thana- SUPPI District- Sitamarhi

Umesh Mahto, aged about 31 years, Male, Son of Jokhan Mahto, Resident of Village-Gularia, Ward No. 1, Police Station-Suppi, District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Suppi P.S. Case No. 368 of 2022 dated 03.11.2022 registered for the offences punishable under Sections 302 and 120B read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

4. Earlier, prayer for regular bail application of the petitioner was rejected by a Bench of this Court vide Cr. Misc. No. 16855 of 2023 under order dated 11.05.2023 with a



direction to expedite the trial and conclude the same at the earliest.

5. This is second attempt on behalf of the petitioner for grant of regular bail.

6. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed murder of the informant's son under conspiracy while the deceased went outside of his house with the petitioner and the other co-accused persons.

7. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted by learned counsel for the petitioner that it is a case of last seen theory. Other co-accused persons have already been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc.No. 39733 of 2023 under order dated 30.10.2023. The petitioner is in custody since 04.11.2022. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

8. Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

9. Considering the aforesaid facts and circumstances of the case as well as custody period of the petitioner, the



petitioner above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Suppi P.S. Case No. 368 of 2022.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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