

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67660 of 2022

Arising Out of PS. Case No.-293 Year-2022 Thana- KOTWA District- East Champaran

Mahanth Sah Son Of Butan Sah R/O Village- Mohhabat Chhapra, P.S.-
Turkauliya, District- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The prosecution case in nutshell is that uncle of the informant, namely, Asarfi Thakur, was working as a labour of Kedar Rai. Uncle of the informant had possessed 5 Katha land but co-accused Hira Thakur, his son Vinod Thakur wanted to grab his land. It is further alleged that Hira Thakur and Vinod Thakur took his uncle



from house of Kedar Rai on their motorcycle. It is further alleged that informant got information that a dead body was found in the mango orchard in village Saraiya and when the informant went there, he found the dead body of his uncle and his neck was roped with a white coloured rope. When people gathered, then the petitioner was seen fleeing away from there.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is further submitted that petitioner has no concern with the deceased Asarfi Thakur and other co-accused Person with whom the informant has inimical terms due to land dispute. Merely on the basis of suspicion, petitioner was caught by the villagers and handed over to police. During investigation, the C.D.R. report received by the police does not disclose any conversation of this petitioner with any person concerned with this case. Neither there is any eye witness of the alleged



occurrence nor there is any consistent material evidence.

It is a case of last seen. Nothing incriminating has been recovered from the possession of the petitioner.

Moreover, the petitioner is languishing in judicial custody since 18.07.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail and submitted that during the course of investigation. The witnesses have stated about the last seen of the victim with this petitioner along with other co-accused persons.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kotwa P.S. Case No. 293 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to



the satisfaction of the learned Additional Chief Judicial
Magistrate X, Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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