

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74979 of 2023**

Arising Out of PS. Case No.-97 Year-2023 Thana- MATIHANI District- Begusarai

Mantu Kumar @ Mantun Kumar, Son of Brijbhushan Singh R/o vill -  
Makardahi, ward no. 12, P.S. - Barauni (Refinery O.P.), Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                                    |
|--------------------------|---|--------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Adv.<br>Mrs. Vaishnavi Singh, Adv.<br>Mr. Ritwik Thakur, Adv.<br>Mr. Purshottam Kumar, Adv. |
| For the Opposite Party/s | : | Mr. Satyendra Narayan Singh, APP                                                                                   |
| For the Informant        | : | Mr. Jai Prakash Singh, Adv.                                                                                        |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      29-11-2023                      Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with  
Matihani P.S. Case No. 97 of 2023, lodged on 02.07.2023 under  
Sections 363/34 of the Indian Penal Code and later on, sections  
302, 201, 120(B) of the IPC were also added.

3. As per the prosecution case, the FIR has been  
lodged against unknown accused persons and the allegation has  
been made that son of the informant has left his house on  
29.06.2023 at about 04.30 P.M. and thereafter, the informant's  
son was traceless and subsequently, his dead body was  
recovered.



4. Learned counsel for the petitioner submits that the name of the petitioner has been figured in this case only by virtue of confessional statement of accused Rohit Kumar who has categorically stated that after killing the informant's son, the dead body of the deceased with the help of the vehicle of the petitioner was thrown in the field. Counsel also submits that in the rejection order by the Sessions court, the relevant paragraphs of the case diary are discussed in which the event has been categorized in two categories i.e. the first is situation prior to murder and the second is situation after murder. The involvement of the petitioner after murder has been acknowledged in the case diary which has also been observed in the order sheet.

5. Learned counsel for the petitioner submits that since the involvement of the petitioner is there in throwing the dead body as he was called after killing by the co-accused at the place of occurrence then section 201 IPC can be attracted, but section 302 shall be not. Counsel for the petitioner further submits that the antecedent of the petitioner is clean and he is in custody since 06.07.2023.

6. Learned APP for the State and learned counsel for the informant vehemently opposes the prayer for bail of the



petitioner and submits that in another case i.e. case of Amit Kumar, the case diary has been called and therefore, in the present case also case diary may be called for. Counsel for the informant also submits that a copy of the case diary was available with him and he has read paragraph 39 of the case diary from where the name of the petitioner has been figured in this case.

7. Upon hearing, it transpires to this Court that involvement of the petitioner is only in disposal of the dead body as the co-accused has informed him on mobile after commission of the crime i.e. murder of the deceased.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1<sup>st</sup> Class, Begusarai in connection with Matihani P.S. Case No. 97 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Dr. Anshuman, J.)**

Divyansh/-

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