

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73311 of 2022**

Arising Out of PS. Case No.-80 Year-2022 Thana- ATRI District- Gaya

Rajendra Mahto @ Rajendra Prasad Verma, S/o Punit Mahato, R/o Village-  
Kenar Dih, P.O- Kenar Chatti, P.S- Wazirganj, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      03-05-2023                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

The accused/petitioner is named in the FIR and apprehending his arrest in connection with Atri P.S. Case No.80 of 2022 registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The allegation against the petitioner is to commit murder of the husband of informant along with other co-accused persons/family members in the background of matrimonial discord.

It is submitted by learned counsel that prior to lodging this FIR, an informatory petition was filed by the deceased himself before learned Chief Judicial Magistrate, Nawada under Section 39 of the CrPC but, petitioner was not named thereof. It is submitted that informant is not the eye-



witness of the occurrence and implication of this petitioner completely based upon suspicion, as he is maternal uncle (*mausa*) of one Kiran Bharti, daughter of Saryug Mahto. It is submitted that as relation of said Kiran Bharti was not cordial with her husband, who is deceased of this case, the present occurrence was alleged to be committed where no specific act is attributed to this petitioner. Learned counsel further submitted that during course of investigation, co-accused Amit Kumar was arrested, who in his confessional statement named co-accused Subodh Kumar specifically to kill deceased by pressing neck with help of other co-accused person without naming this petitioner. It is submitted that petitioner is a man of clean antecedent.

Learned Additional Public Prosecutor while opposing the prayer of bail submitted that petitioner is named in the FIR and he alleged to be participated actively in occurrence.

In view of the above-mentioned facts and circumstances, as no suspicion even raised by deceased against this petitioner through his informatory petition and also save and except suspicion, nothing incriminating surfaced against this petitioner where admittedly informant is not the eye-witness of the occurrence, let above-named petitioner, in the event of his



arrest or surrender in the court below within a period of four weeks of this order, is directed to be released on bail 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-XIII, Gaya in connection with Atri P.S. Case No.80 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

