

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1654 of 2023

Arising Out of PS. Case No.-447 Year-2021 Thana- KANTI District- Muzaffarpur

Tahal Mahto @ Goniya Mahto @ Sail Kishor Mahto Son Of Late Brij
Nandan Mahto Resident Of Village- Repura, P.S.- Karja, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-03-2023 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 connection with Kanti P.S. Case No. 447
of 2021 registered under sections 147, 341, 324, 326, 307, 302,
120B and 34 of the Indian Penal Code.

As per allegation in the F.I.R., co-accused persons
including this petitioner committed murder of the brother of the
informant by stabbing. It is alleged that informant got
information from one Jugeshwar Mahto@ Sahal Mahto who
said that his brother had been with the accused persons. In the



morning upon hearing rumour, a dead body was thrown in orchard of Repura Darbar, thereafter, the informant went there, and he recognized the dead body as his brother.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. It is evident from FIR that there is no eye witness of the alleged occurrence. There is no consistent and cogent evidence came against the petitioner to implicate in this alleged offence. It is further submitted that the petitioner has good relation with the deceased. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 27.09.2022. Similarly situated other co-accused person has already been granted bail by this Court in vide order dated 07.02.2023 in Cr. Misc. No. 56935 of 2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is



directed to be enlarged on bail in connection with Kanti P.S.
Case No. 447 of 2021 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 A.C.J.M IInd, Muzaffarpur.

(Sunil Kumar Panwar, J)

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