

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75040 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- PANAPUR District- Saran

CHANDESHWAR MAHTO Son of Nakul Mahto Resident of village -
Bhagwanpur, P.S.- Panapur, District - Saran (Chapra). Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Panapur instituted for the offence under Sections 302/34 of the
Indian Penal Code.

As per allegation in the FIR, the informant alleged that
on 5.6.2022 at 6:00 PM, the petitioner came her house and took
her son namely, Upendra Rai. Next morning, the informant came
to know that her son was died and his dead body was kept in
Government hospital. It is further alleged by the informant that
the petitioner is indulged in hatching conspiracy to kill the her
son in connivance with others.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely
been implicated in this case on the basis of suspicion. There is no
consistent evidence against the petitioner in respect of



commission of murder. The dead body of the deceased was recovered from house of the petitioner which could not be presumed that he committed murder. It is further submitted that the petitioner is languishing in judicial custody since 7.6.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that this petitioner is named in FIR who took away the son of the informant from his house thereafter, his dead body was found. From perusal of inquest report which is mentioned in para-3 of the Case diary, it appears that the dead body of the deceased has been recovered from house of this petitioner. The petitioner was also seen last time with the deceased which is strong evidence against him in the alleged offence.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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