

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5771 of 2024

Arising Out of PS. Case No.-603 Year-2023 Thana- SHERGHATI District- Gaya

Mahendra Prasad, aged about 45 years, Male Son of Late Dinanath Mahto,
Resident of Village-B.T. Bigha, P.S.-Sherghati, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 15-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sherghati P.S. Case No. 603 of 2023 instituted for the offences punishable under Sections 302, 379, 354 (B) and 511 of the Indian Penal Code.

3. As per the prosecution case, some unknown persons entered into the house of the informant from roof and tried to commit rape with his wife who had tried to call the informant on his mobile phone but he was taking deep sleep at that time. It is further submitted that the accused persons were also strangulated his wife during the course of committing said crime and further took away her gold and necklace.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. Petitioner is not named in the FIR and his name surfaced in this case during the course of investigation only on mere suspicion. It is submitted that there is no any eye witness of the occurrence. Nothing has been recovered from the conscious possession or from his house and there is no any specific allegation against the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 22.06.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and the impugned order of the learned Additional District and Sessions Judge, Sherghati, Gaya dated 18.12.2023, it appears that petitioner is not named in the FIR and his name transpired in this case during the course of investigation on mere suspicion. The name of the petitioner has been surfaced in the confessional statement of co-accused Vinay Yadav and no any eye witness of the said occurrence, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M.-1st, Sherghati, Gaya in
connection with Sherghati P.S. Case No. 603 of 2023.

(Ramesh Chand Malviya, J)

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