

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7895 of 2024

Arising Out of PS. Case No.-326 Year-2021 Thana- KHAIRA District- Saran

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1. MUKESH MAHTO S/O RAMAYAN MAHTO VILLAGE- KOTHEYAN, PS. JALALPUR, DIST. SARAN.
 2. DEOMATI DEVI W/O MUKESH MAHTO VILLAGE- KOTHEYAN, PS. JALALPUR, DIST. SARAN.
 3. RAJKALI DEVI W/O RAMAYAN MAHTO VILLAGE- KOTHEYAN, PS. JALALPUR, DIST. SARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KISHUN MAHTO S/O LATE HIKAYAT MAHTO R/O- KOTHEYAN, PS. JALALPUR, DIST. SARAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Singh, Adv.
For the Opposite Party/s : Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Khaira PS Case No. 326/2021 registered on 23.09.2021 for the offences under Sections 302, 201, 120(B) of the IPC.

3. As per prosecution case, the dead body of the son of informant was found hanging from a Jamun tree and the informant showed his suspicion that the petitioners were involved in the murder of his son. The occurrence is stated to



have taken place in the background of earlier dispute between the deceased and the family of the informant.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case which has been registered only on suspicion that the petitioners killed the son of the informant. There is no material to connect the petitioners with the offence as alleged. Earlier, petitioner no. 1 filed Jalalpur PS Case No. 184/2021 in which the deceased, his mother and others have been made accused for the offence under Sections 363, 366(A)/34 of the IPC. The present case has been lodged to pressurize the petitioners. Learned counsel further submits that the informant has realized the mistake and he has filed a petition before the learned court below stating that by mistake FIR has been registered against the petitioners. The petitioners are having no criminal antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and the submissions made on behalf of the parties and considering the completely vague allegation against the petitioners without any substantive material and further considering the possibility of false implication in the background of earlier dispute between



the parties, let the petitioners, named above, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Khaira PS Case No. 326/2021, subject to the condition as laid down under Section 438(2) of the CrPC.

(Arun Kumar Jha, J)

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