

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15388 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Madan Mahto Son of Ganga Mahto Resident of Village-Banchar Tol, P.S.-
Rosera, Distt.-Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Avinash Kumar, Advocate
For the Opposite Party	:	Mr.Raj Ballabh Singh, Addl Public Prosecutor Mr. VK Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-03-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner seeks regular bail in a case registered for the offence punishable under sections 302,120B/34 of the Indian Penal Code.

3. As per the prosecution case, on 22.6.2023 petitioner and co-accused Santosh Kumar took informant's husband with them on the pretext of playing cards and on 25.6.2023 his dead body was recovered from the water near railway bridge with multiple injuries.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is no direct or indirect evidence against the petitioner to show his complicity in the occurrence. Occurrence of missing is of



22.6.2023 and the F.I.R. has been lodged after delay on 25.6.2023 without any explanation which renders the entire prosecution case doubtful. Petitioner claims clean antecedent. He is in custody since 17.10.2023.

5. Learned counsel for the State and the informant oppose the prayer for bail. They submit that from perusal of the FIR it is clear that it was petitioner and his accomplice Santosh Kumar who took the deceased with them and thereafter his dead body was recovered from the water with multiple injuries, as such, petitioner cannot be absolved from the allegation of commission of murder of informant’s husband.

6. Considering the nature of accusation against the petitioner, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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