

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8042 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- CHHABILAPUR District- Nalanda

Shadhu Sharan Prasad, aged about 58 years, Male, Son of Late Keshwar Mahto @ Kameshwar Mahto, Resident of Village-Kharjama, Police Station-Chhabilapur, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate
For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 01-05-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Chhabilapur P.S. Case No. 118 of 2023 dated 23.08.2023 registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the co-accused Babloo Yadav and Phulbabu used to drive the Truck and Pick up of the informant's husband. On 22.08.2023 at 2.00 P.M. in the night, the co-accused Babloo Yadav after loading *Fatti* from Katihar on the said truck, proceeded and as usual parked the said Truck on the shop of Lallu Jee and went away to his house and at about 6.00 P.M., he called her husband to come with dinner and



key and he done the same. After 45 minutes, the co-accused Babloo Yadav informed her that her husband has not come then she asked to see him because he had already went away much earlier. After some time, the co-accused Babloo Yadav informed her that someone killed her husband with knife. She alongwith her children went and saw that her husband sustained firearms injuries on his head and waist due to that he died. She suspects Pappu Yadav as he took Rs. 4,20,000/- in the name of truck from her husband after making C.I.D. the co-accused Babloo Yadav. When her husband used to demand the said money, he refused to return and also threatened to kill him. She also suspects Badri Mahto who is the father-in-law and Nitish Kumar who is the husband of her elder daughter with whom a matrimonial dispute is pending in the court. When she and her husband went to the matrimonial house of her elder daughter to pacify the matrimonial dispute, they threatened with knife and rifle to kill them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. It is further submitted that from perusal of the F.I.R., it is evident that the informant has only raised suspicion against four



persons Babloo Yadav, Pappu Yadav, Badri Mahto and Nitish Kumar. It is submitted that during course of investigation, the informant and the deceased's brother has raised suspicion against the petitioner because the son of the petitioner who is the partner of the deceased, has died due to accident and the petitioner has raised suspicion against the deceased Ajay Kumar to kill his son. It is further submitted that during course of investigation, the spy informed the I.O. that suspicion has been raised against the petitioner and his son-in-law Dhiraj Kumar and the spy gave their mobile nos. 7260884707 and 9142017922 to the effect that on the alleged date of occurrence, several talks were made with the suspicious mobile nos. 7541878530, 9523238067 with the petitioner's mobile no. 7260884707. It is further submitted that from perusal of the C.D.R., it appears that on the alleged date of occurrence, several talks were made on mobile nos. 7541878530 and 9523238067. There is no eye witness to the alleged occurrence. It is further submitted that the petitioner in his confessional statement accepted his guilt which has got no evidentiary value in the eye of law. No incriminating article has been recovered from possession of the petitioner. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since



23.09.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Chhabilapur P.S. Case No. 118 of 2023 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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