

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12601 of 2024**

Arising Out of PS. Case No.-242 Year-2023 Thana- MADHEPUR District- Madhubani

Kanhaiya Kumar Mahto son of Late Bola Mahto Village Ps- Madhepur Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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

ORAL ORDER

3 20-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhepur P.S. Case No. 242 of 2023 instituted for the offences
punishable under Sections 341, 323, 363/34 of the Indian Penal
Code.

3. As per the prosecution case, on 29.09.2023 the
husband of the informant had gone out at about 07:00 a.m. in
the morning but did not return home thereafter.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case on the basis of mere
suspicion.



5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and impugned order of the learned Sessions Judge, Mahubani, dated 30.11.2023, it appears that during investigation, in the CCTV footage the petitioner was found with the deceased person. There is no eye witness of the alleged occurrence and none stated any specific overt act against the petitioner. As per post-mortem report, the cause of death of the deceased is asphyxia caused by drowning. Petitioner is in custody since 03.10.2023, 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 Judicial Magistrate, First Class, Jhanjharpur, District- Madhubani in connection with Madhepur P.S. Case No. 242/2023.

(Ramesh Chand Malviya, J)

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