

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24398 of 2024

Arising Out of PS. Case No.-105 Year-2013 Thana- BAKHARI District- Begusarai

Mukesh Mahto @ Mukesh Kumar, aged about 32 years, Son of Late Bashudeo Mahto, Resident of Village- Peer Nagar P.S.- Naokothi District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bakhri P.S. Case No. 105 of 2013 instituted for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is case wherein the informant found the dead body of his son lying in the field and several firearm injury found on his body. The alleged crime was committed by the petitioner and co-accused.

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. He submits that the



prosecution story is concocted based on conjecture and surmises. He further submits that during investigation no material transpired against the petitioner neither it came to know that the petitioner was implicated by his agnates due to other dispute. The police submitted final form against the petitioner and did not sent up for trial. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 10.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-II, Begusarai dated 04.03.2024, it appears that FIR has been lodged against six accused persons including the petitioner. From perusal of the impugned order it also appears that the police has submitted final form against the petitioner and did not sent up for trial. Similarly situated co-accused persons namely Kailash Paswan and Swati Kumari have also been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos. 6886 of 2014 and 35737 of 2013 vide orders dated 11.04.2014 and 01.10.2013, respectively, 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
Chief Judicial Magistrate, Begusarai in connection with Bakhri
PS Case No. 105 of 2013.

(Ramesh Chand Malviya, J)

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