

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31775 of 2024

Arising Out of PS. Case No.-80 Year-2022 Thana- ATRI District- Gaya

Saryug Mahto @ Surendra Prasad Son of Mahavir Mahto Resident of village
- Sundra, P.S.- Roh, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prithivi Raj Singh
For the Opposite Party/s	:	Mr.Arun Kumar Singh
For the Informant	:	Mr. Sushant Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-08-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Atri P.S. Case No. 80 of 2022 registered for the offence

under Sections 302 and 201 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in

custody since 09.02.2024.

4. The allegation against the petitioner is to

commit murder of the husband of the informant along with

other named and unknown co-accused persons where

dispute is alleged to be arising out of previous

enmities/matrimonial disputes.



5. Learned counsel appearing on behalf of the petitioner submitted that informant is not an eye witness of the occurrence where entire allegation is arising out of suspicion only due to previous matrimonial disputes of the brother of the informant where most of the co-accused persons are related with wife of her brother. It is submitted that nothing incriminating surfaced /recovered during the course of investigation, in furtherance of suspicion as shown through FIR, which may suggest involvement of petitioner with the crime in question. It is further submitted that similarly situated co-accused persons have been granted anticipatory bail and regular bail by different Id. Co-ordinate Benches of this Court. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Sushant Kumar, learned counsel for the informant while opposing the prayer of bail submitted that threat was advanced by



petitioner to informant soon before the occurrence and therefore his involvement cannot be denied.

7. In view of aforesaid fact and submissions and by taking note of fact that save and except suspicion as expressed through FIR, nothing incriminating surfaced during the course of investigation as to suggest *prima-facie* involvement of accused petitioner with crime in question, coupled with fact that investigation of this case has been completed where petitioner is in custody since 09.02.2024, let the petitioner, above named, be released on bail in connection with Atri P.S. Case No. 80 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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