

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44599 of 2024

Arising Out of PS. Case No.-177 Year-2021 Thana- SIDHWALIYA District- Gopalganj

BIRENDRA MAHTO SON OF LATE KAPIL MAHTO RESIDENT OF
VILLAGE - SALEMPUR, P.S. - SIDHWALIA, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 324, 307, 364, 506, 504/34 of the Indian Penal Code and further added section 302, 201 of the IPC.

3. It is a case of commission of murder of the informant's son by the petitioner along with co-accused persons and disappeared his dead body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. For the alleged occurrence of 4.6.2021, the FIR was registered on 5.6.2021 after a delay of one day. There is no specific



allegation attributed to the petitioner. No one is eye witness of the alleged occurrence. During course of investigation, dead body of the deceased was recovered and postmortem was conducted by which it appear the cause of death is due to asphyxia as a result of drowning. It is further submitted that the petitioner is languishing in judicial custody since 5.2.2024. Similarly situated co-accused Mantosh Mahto has already been enlarged on bail by co-ordinate Bench of this Court vide order dated 17.8.2023 in Cr. Misc. No. 49209 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sidhwalia P.S. Case No. 177 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj.

(Sunil Kumar Panwar, J)

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