

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42888 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- BARGAINIA District- Sitamarhi

RAJ KUMAR S/O KISHUN DEV MAHTO @ KISHANDEV MAHATO
R/O VILLAGE- SINDURIA, P.S- BAIRGANIA, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bairgania P.S. Case No. 260 of 2023 dated 17.11.2023 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant came to know from local people that her husband was stabbed by the petitioner and the co-accused persons along with four unknown miscreants. It is further alleged that the injured was taken to the hospital for treatment but he succumbed to his injuries on the way to Sitamarhi.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has surfaced in this case merely on suspicion. Learned counsel has further submitted that the informant has not disclosed the name of local people who informed about the alleged occurrence. There is no eye witness to the alleged occurrence. It is further alleged that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner has assaulted the deceased with knife. The P.M. report also shows that the abdominal injury caused by sharp object. There is a direct allegation of stabbing against the petitioner which caused death of the victim.

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 Court concerned, Sitamarhi in connection with Bairstonia P.S. Case



No. 260 of 2023 with the 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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