

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43736 of 2024

Arising Out of PS. Case No.-1178 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Mantu Sah @ Mantu Kumar S/o Yadulal Sah @ Yadolal Prasad R/o vill -
Barwa Kala, P.S. - Ghorasahan, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Informant : Mr. Ranjana Srivastava, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Mr. Ajay Kumar Singh, learned counsel for

the petitioner, Mr. Ranjana Srivastava, learned counsel for the

Informant and Mr. Jharkhandi Upadhyay, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
08.04.2024, in connection with Turkauliya (Raghunathpur O.P.)
P.S. Case No. 1178 of 2023, F.I.R. dated 17.11.2023 registered
for the offences punishable under Sections 328 and 302 of the
Indian Penal Code.

3. Allegation against the petitioner is that he has
committed the murder of the informant's son namely Guddu
Kumar by administering poison and thrown the body near the
house of the informant and fled away.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of suspicion and the previous dispute with the family member of the informant. He further submits that from perusal of the F.I.R. it appears that the F.I.R. was instituted on 17.11.2023 at about 12:20 noon but the postmortem report was conducted on 17.11.2023 at 10:00 A.M. which suggests that after the postmortem report the present F.I.R. was instituted and the date of occurrence is 15.11.2023 but till the examination of postmortem, no F.I.R. was instituted even the informant has not informed the prosecution about the present occurrence and after the postmortem report, the present F.I.R. was instituted only to harass the petitioner. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the informant is not an eye witness of the alleged occurrence and even no one has seen the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.04.2024.

5. The learned Additional Public Prosecutor for the



State as well as learned counsel for the Informant, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was last seen with the deceased on 15.11.2023.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No. 1178 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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