

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44831 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- KHUSRUPUR District- Patna

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1. Bilash Mahto, Son Of Late Garabin Mahto @ Gariban Mahto, village-Harddas Bigha, Bind Toli, Police Station- Khusrupur, District -Patna.
 2. Raja Ram Mahto, Son Of Bilash Mahto, village-Harddas Bigha, Bind Toli, Police Station- Khusrupur, District -Patna.
 3. Raja Kumar, Son Of Bilash Mahto, village-Harddas Bigha, Bind Toli, Police Station- Khusrupur, District -Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Khusrupur P.S. Case No. 23 of 2024 registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the son of the informant was sleeping in his house alone and he was strangled to death. The informant named the petitioners who might have committed the crime.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. From the FIR, it is apparent that the petitioners have been named in this case merely on suspicion and there is no material against the petitioners showing their involvement in the alleged occurrence. Wife of petitioner no.1 and mother of petitioner nos. 2 and 3 have lodged a complaint case bearing C.A. No. 970 of 2023 against the son of the informant, his mother and ten unknown persons for offence under Section 307, 379 and other incidental sections of the IPC. The said case was registered on 01.08.2023. Thereafter on 01.01.2024, for an occurrence dated 31.12.2023, daughter of the petitioner no.1 gave a written report resulting in registration of Khusrupur P.S. Case No. 15 of 2024 under Sections 376, 511 and other allied sections of IPC against the son and other family members/relatives of the informant and charge-sheet has been submitted against the son and other family members/relatives on 21.03.2024. In retaliation thereof the present case has been lodged by the informant side merely on the ground of suspicion. Petitioners are having criminal antecedent of one case in which they are on bail.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



previous cases lodged against the informant and further considering the fact that the case against the petitioners is merely on the basis of suspicion without any substantive material and also considering the possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna City/ court concerned in connection with Khusrupur P.S. Case No. 23 of 2024, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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