

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46377 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- BALIYA District- Begusarai

1. Niranjana Kumar @ Niranjana Mahto son of Sikandar Mahto Village- Fatehpur Ps- Ballia Dist- Begusarai
2. Sanjeet Kumar @ Sanjeet Mahto son of Sikandar Mahto Village- Fatehpur Ps- Ballia Dist- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abul Kalam, Advocate

For the Opposite Party : Mr. Jitendra Kumar Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 03-05-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners seek regular bail in a case registered for the offence punishable under sections 302/120B/34 and other allied sections of the Indian Penal Code.

3. As per the prosecution case, on 13.03.2023 at 01.00 p.m. all the FIR named accused persons including these petitioners came to the house of the informant and asked for share in land purchased by him. They threatened that if share was not given to them, they would destroy his descendant. On 13.03.2023 at 09.00 p.m. while informant's son was sleeping, all accused persons trespassed into his house and throttled the neck of his son and killed him by putting selfos in his mouth. He came to know about the incidence on 14.03.2023 and lodged the FIR.



4. Learned counsel appearing for the petitioners submits that from the contents of the FIR itself it is clear that the informant is not eye witness of the occurrence. Informant has also not disclosed the source as to how he learnt involvement of the accused persons in the incident. Moreover, post mortem report reveals that no visible external injury was found over the body of the deceased. Learned counsel submits that save and except suspicion, there is no other direct or indirect evidence against the petitioners to show their complicity in the occurrence. Petitioners claim clean antecedent. Charge sheet has already been filed. Petitioners are in custody since 15.3.2023.

5. Considering the aforesaid facts of the case, prayer for regular bail of the petitioners is allowed. Let the petitioner, mentioned above, be enlarged 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 Chief Judicial Magistrate, Begusarai in Ballia Police Station Case No. 76 of 2023.

(Prabhat Kumar Singh, J)

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