

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48912 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- MANJHAGARH District- Gopalganj

1. Osihar Mahto Son of Sham Bihari Mahto Resident of Village - Pathra Puraina, P.S.- Manjhagarh, District - Gopalganj
2. Priyanka Devi Wife of Osihar Mahto Resident of Village - Pathra Puraina, P.S.- Manjhagarh, District - Gopalganj

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49168 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- MANJHAGARH District- Gopalganj

1. Shivkali Devi W/o Late Shyambihari Mahto R/o Village- Pathra, P.S- Manjhagarh, Dist.T- Gopalganj.
2. Manoj Mahto S/o Late Shyambihari Mahto R/o Village- Pathra, P.S- Manjhagarh, Distt.- Gopalganj.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48912 of 2024)

For the petitioners/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 49168 of 2024)

For the petitioners/s : Md Danish Quamar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-10-2024 Heard Mr. Rajesh Kumar, learned counsel for the

petitioners and Mr. Pranav Kumar, learned Additional Public

Prosecutor for the State in Cr. Misc. No. 48912 of 2024 and Md.

Danish Quamar, learned counsel for the petitioners and Mr.



Rajiv Nayan, learned Additional Public Prosecutor for the State in Cr. Misc. No. 49168 of 2024.

2. Petitioners seek bail who are in custody since 17.09.2023 in connection with Manjhagarh P.S. Case No. 36 of 2023, F.I.R. dated 09.02.2023 for the offences punishable under Sections 1302, 201/34 of the Indian Penal Code.

3. According to prosecution case, informant has solemnized the marriage of her daughter with one Sonu Mahto who lives abroad for job and her daughter lives with her in-laws. It is alleged that all these petitioners used to torture the informant's daughter and on 06.02.2023 the informant got information that her daughter has been killed by the accused persons including these petitioners.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. They further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. They further submits that the police have submitted chargesheet under Sections 363 and 364 of the Indian Penal Code and the learned Magistrate took cognizance against the petitioners under Sections 302, 201/34 of the Indian Penal Code



vide order dated 06.03.2024. They further submits that although the petitioners are in judicial custody but the trial has not be concluded as yet.

5. Vide order dated 06.09.2024 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 11.09.2024 reveals that out of 6 chargesheet witnesses, 4 witnesses have already been examined.

6. The learned Additional Public Prosecutors have vehemently opposed the prayer for bail of the petitioners.

7. Considering the nature of allegation as alleged in the F.I.R as well as report of the learned Trial Court, I am not inclined to enlarge the petitioners on bail in connection with Manjhagarh P.S. Case No. 36 of 2023 pending in the court of learned Additional District & Sessions Judge XII, Gopalganj.

8. Prayer is refused.

9. However, learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

