

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71098 of 2024

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

Sanjay Mahton Son of Badri Mahton R/o Village- Fatehpur, Post-
Sadanandpur, P.S.- Baliya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for
offence under Sections 302, 328, 120(B)/34 of the Indian Penal
Code.

3. As per the prosecution case, on 13.03.2023 at 01.00
PM, all the FIR named accused persons including this petitioner
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 PM 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 for the petitioner submits that
from perusal of FIR, it is apparent that the informant is not eye



witness to the occurrence. Informant has also not disclosed the source of information as to how he came to know about the involvement of the accused persons in the incident. Moreover, *post-mortem* report reveals that no external injury was found over the body of the deceased. Learned counsel for the petitioner further submits that save & except suspicion, there is no other direct or indirect evidence against this petitioner to show his complicity in the occurrence. Similarly situated two co-accused persons have been granted bail, vide order dated 03.05.2024 in Cr.Misc. No. 46377 of 2023 (Annexure - 3). Petitioner claims clean antecedent and is in custody since 26.01.2024. Charge sheet has already been submitted.

5. Considering the aforesaid facts and circumstances, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge – XI, Begusarai in Ballia P.S. Case No. 76 of 2023.

(Prabhat Kumar Singh, J)

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