

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71121 of 2024

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

Sikandar Mahto Son of Sri Badri Mahto R/o Village- Fatehpur, P.S.- Balia,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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 demanded their share in
land purchased by him and also threatened that if share was not
given to them, they would kill his son. It is further alleged by
informant that on the same day at 09.00 PM, the accused
persons trespassed into his house and throttled the neck of his
son and killed him by putting *selfos* tablet in his mouth.

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, the *post-mortem* report does not reveal that any external injury has been found on the dead-body of the deceased. Learned counsel for the petitioner further submits that save & except suspicion, there is no other direct / indirect evidence against this petitioner to show his complicity in the alleged 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 – P/3). Petitioner claims clean antecedent and is in custody since 23.07.2024. 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 Chief Judicial Magistrate, Begusarai / concerned Court in connection with Baliya (Ballia) P.S. Case No. 76 of 2023.

(Prabhat Kumar Singh, J)

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