

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71221 of 2024

Arising Out of PS. Case No.-359 Year-2023 Thana- BACHHWARA District- Begusarai

Chhotu Kumar S/o Teni Mahto @ Dinesh Kumar R/o Village- Vajidpur
Badmotar, Police Station- Vidyapati Nagar, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 359 of 2023 instituted for the
offences under Section 302, 201, 120(B) and 34 of the Indian
Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder by taking the deceased from his house under conspiracy
due to some dispute.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to dirty village politics. Both the parties are co-villagers. The Informant is not the eye-witness to the alleged occurrence. He further submits that not a single person has come forward stating to have seen the deceased with the accused persons except the Informant and, only on the basis of suspicion, the petitioner has been falsely implicated in the present case. He further submits that the date of occurrence is 10.11.2023 but, the F.I.R. was registered on 12.11.2023 i.e. after an inordinate delay of two days that too without there being any plausible explanation for such delay. The petitioner has no concern with the other co-accused persons of this case. There is also no conspiracy to kill the deceased. The petitioner and the deceased were never seen together. The confessional statement of the petitioner recorded under Section 161 Cr.P.C. has no evidentiary value in the eye of law. The petitioner has suo-motu surrendered on 29.11.2023 and, since the, he is in custody. The petitioner has no concern with the alleged occurrence. The petitioner has two criminal antecedents. Charge-sheet has been submitted against the petitioner in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation alleged against the petitioner is serious



in nature. The I.O. after completion of investigation has submitted charge-sheet against the petitioner and the cognizance has also been taken by the learned court below under Sections 302, 201, 120(B), 34 of the I.P.C. The postmortem report also supports the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bachhwara P.S. Case No. 359 of 2023.

(Rudra Prakash Mishra, J)

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