

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71673 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Bittu Kumar Son Of Late Gulshan Mahto @ Gulo Resident Of Village -
Laxmipur, P.S. - Surajgarha (Manikpur), District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-01-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons abused and assaulted the informant's son and ousted him from the house and after some time informant's son died.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner is the son of deceased Gulshan Mahto @ Golu and he has been falsely implicated in this case due to family dispute. No one is the eye witness of the alleged



occurrence. It is further submitted in para 8 and 10 of the petition that on the alleged date of occurrence the deceased had also taken heavy drink and after taking drink, he returned to his house at night and started to commit marpit with his wife upon which the petitioner arrived there and push the deceased out from the house and shut the door. It is also submitted that the Statement of Doctor Dharmandra Kumar has been recorded u/s 161 of Cr.P.C. in which he has specifically stated that deceased was a great drunker who on the alleged date of occurrence had committed marpit with his wife. He has also stated that after taking heavy drink, the deceased always used to commit marpit with his wife, son and daughter and for that reason he was ousted from his house. The petitioner has not killed the deceased. He had only ousted from the house due to ill behaved nature. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 01.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner



on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Surajgarha (Manikpur) P.S. Case No. 150 of 2023.

(Sunil Kumar Panwar, J)

lata/-

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

