

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82880 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- CHORAUT District- Sitamarhi

1. Rajesh Kumar @ Rajesh Mahto Son Of Bhogi Mahto R/O Village- Choraut Tola Verma, P.O. And P.S.- Choraut, Dist.- Sitamarhi
2. Suresh Kumar Son Of Bhogi Mahto R/O Village- Choraut Tola Verma, P.O. And P.S.- Choraut, Dist.- Sitamarhi
3. Kanchan Devi Wife Of Rajesh Kumar @ Rajesh Mahto R/O Village- Choraut Tola Verma, P.O. And P.S.- Choraut, Dist.- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 10-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Choraut P.S. Case No. 133 of 2022 registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioners is to commit murder of son of the informant alongwith other co-accused persons and family members as they assaulted the son of



the informant by means of Lathi, Danda etc. and dead body of son of the informant was hanged in front of his house.

4. Learned counsel appearing on behalf of the petitioners submitted that the dead body was found in front of the house of the informant itself and mere out of suspicion of love affairs with the sister of the accused-petitioners, this present false implication was raised. It is submitted that autopsy/post-mortem of the deceased was not conducted as to ascertain the cause of death. It is submitted that admittedly the informant is not an eye witness of the occurrence. It is pointed out that the reason for delay as to lodge the F.I.R. is not appearing convincing for the reason that two adult brothers of the deceased was in the village, who might be reported the occurrence to the police. It is also pointed out that save and except suspicion nothing raised against these petitioners.

5. Learned A.P.P. for the State while opposing the prayer of anticipatory bail, submitted that petitioners along with other co-accused persons has not approved the love affairs of their sister with the son of the informant.



6. In view of the aforesaid factual submissions, save and except suspicion, where occurrence was lodged with a delay of five days coupled with the fact that even the autopsy/post-mortem was not conducted upon the deceased, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Chorout P.S. Case No. 133 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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