

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82673 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- JALALPUR District- Saran

Vikash Kumar Mahto Son Of Binod Mahto @ Vinod Mahto Resident Of
Village- Kashi Tiwari Tola, P.S. - Jalalpur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jalalpur P.S. Case No. 119 of 2023 lodged on 02.06.2023 under
Section 302 of the Indian Penal Code. Subsequently, Sections
201 and 120(B) of the Indian Penal Code was also added vide
order dated 06.06.2023

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons. According to the
prosecution story, the elder brother of the informant has
intimated him that he is going to attend a marriage ceremony.
The informant has stated in the FIR that at about 09:30 pm, he
talked with his brother and, thereafter, his mobile phone was
found switched off. Subsequently, his dead body was recovered



in the Bhatkeshri Chawar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. In fact, the petitioner is not named in the FIR and the FIR has been lodged against unknown accused persons. He further submits that case diary has been called for and the only material which has come in the case diary against the petitioner is that his name has come by virtue of the confessional statement of the co-accused. Counsel further submits that upon confessional statement of the co-accused, the petitioner has been apprehended by the police. Moreover, there is no eye witness to the occurrence. The antecedent of the petitioner is clean and he is in custody since 06.06.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that in the confessional statement, the specific allegation has been made against the present petitioner that he has killed the deceased and, subsequently, on the confessional statement of the co-accused as well as the petitioner, the weapon i.e., knife used in the commission of crime has been recovered.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.



7. Accordingly, the prayer for regular bail of the petitioner in connection with Jalalpur P.S. Case No. 119 of 2023 pending before the learned Learned Additional Chief Judicial Magistrate-13th, Saran at Chapra is hereby rejected, at present.

(Dr. Anshuman, J)

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