

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2640 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. Bharat Mahto, Son of Pramod Mahto,
 2. Vikash Mahto, Son Of Pramod Mahto
 3. Lala Mahto @ Dharmendra Mahto, Son Of Pramod Mahto
 4. Laxman Mahto, Son of Pramod Mahto
- All are residents of village - Sundarpur, Chhathi Pokhar, P.S. - L.N.M.U.,
District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with LNMU P.S. Case No. 126 of 2023 registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the brother of the informant was stabbed to death and the petitioners along with 8 other co-accused persons have been made accused in this case.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. The police submitted closure report against the petitioners and some other co-accused persons and did not send them up for facing trial and the charge sheet was submitted only against co-accused Vijay Sharma. But the learned Chief Judicial Magistrate, Darbhanga, differing from the police report, took cognizance against the petitioners and others under Sections 302/34 of the Indian Penal Code. The learned counsel further submits that there is no eye witness to the alleged occurrence and the present case has been lodged in order to pressurize the petitioners to compromise the case lodged by the father of the petitioners against the brother of the informant including the deceased and other persons vide LNMU (University) P.S. Case No.337 of 2021. The petitioners have got criminal antecedent of one case.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners. The learned APP submits that the petitioners have been named in the FIR with allegation of causing death of the brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners with vague allegation and further considering the possibility of false



implication in the background of earlier dispute between the parties, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with LNMU P.S. Case No.126 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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