

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5277 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- SARAIYA District- Muzaffarpur

Raj Kumar @ Raj Kumar Mahto, aged about 22 years, Male son of Mohan Mahto, Resident of Village-Laxmipur Arar PS-Saraiya District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Saraiya PS Case No. 416 of 2023 instituted for the offences punishable under Sections 341, 323, 307, 302/34 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons including the petitioner herein, finding the deceased along in her house, strangled her to death.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. There is general and omnibus allegation made against the petitioner and his family members in commission of murder of the deceased. He next



submits that the informant is not an eye witness of the alleged occurrence and he has been made accused only on the basis of enmity between the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 26.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned XVIth Additional Sessions Judge, Muzaffarpur dated 06.12.2023, it appears that petitioner is named in the FIR. On the basis of written report of the informant Nirmala Devi, FIR has been lodged against four accused persons including the petitioner under Sections 341, 323, 307, 302/34 of the IPC. From perusal of the FIR and the case diary that informant is not an eye witness and no eye witness of the case diary. From perusal of the postmortem report the opinion of the doctor who has conducted the postmortem of the deceased said that the deceased died due to asphyxia due to hanging, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Additional Chief Judicial Magistrate-IV, West Muzaffarpur in



connection with Saraiya PS Case No. 416 of 2023.

(Ramesh Chand Malviya, J)

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