

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.977 of 2024

Arising Out of PS. Case No.-114 Year-2009 Thana- MAKHDUMPUR District- Jehanabad

Mritunjay Kumar S/o Arvind Shamra R/o- Village Amarpur, PS-
Makhdumpur, Distt- Jahanabad, at present Village-Bohiya Kamalpur, P.O.
Bohiya Kamalpur, P.S. Allipur, Distt-Gaya, Pin Code-824235

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Mishra, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APPFD

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The present petition has been filed for grant of
regular bail in connection with Makhdumpur (Tehta) P.S. Case
No.114 of 2009, registered for the offences punishable under
Sections 326/302/120(B)/34 of the Indian Penal Code.

3. The case of the prosecution in brief is that on
30.04.2009, the father of the informant had gone alone to Tehta
market but did not come back in the night and on the next day,
i.e. on 01.05.2009, his dead body was found with injuries on the
eyes in the field of one Sidheshwar Yadav.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent, he has been falsely implicated in
the present case and is having a clean antecedent. It is also
submitted by the learned counsel for the petitioner that the



petitioner was not sent up for trial as the accusation was found false against him and the police had filed final form, nonetheless differing with the same, cognizance was taken against the petitioner and others by the learned Trial Court. It is also stated that since the petitioner was not having any connection with the village in question, on account of him having left the same long back, he could not know about institution of the connected case, resulting in him not being able to surrender earlier. Lastly, it is submitted that there is no material on record to suggest the complicity of the petitioner in the alleged crime and moreover, similarly situated co-accused persons have already been granted the privilege of bail, by co-ordinate Benches of this Court vide orders dated 15.10.2011 and 15.02.2012, passed in Cr. Misc. No.32425 of 2011 and Cr. Misc. No.6840 of 2012, respectively.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer of the petitioner for bail, however nothing substantial has been shown from the case diary to suggest that the petitioner is having complicity in the alleged crime.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available



on record, this Court finds from a bare perusal of the case diary that minuscule evidence is available qua the petitioner, so as to connect him with the alleged occurrence, apart from the fact that the police had not found the petitioner to be guilty and that is why it had submitted final form qua the petitioner herein. This Court further finds that similarly situated co-accused persons have already been granted the privilege of bail by co-ordinate Benches of this Court, hence considering the fact that the petitioner is languishing in custody since 07.11.2023 and similarly situated co-accused persons have already been granted the privilege of bail long back by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

7. Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. IIIrd, Jehanabad in connection with Makhdumpur (Tehta) P.S. Case No.114 of 2009.

(Mohit Kumar Shah, J)

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