

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4179 of 2025

Arising Out of PS. Case No.-124 Year-2024 Thana- KAMTAUL District- Darbhanga

Birendra Mahto @ Birendra Kumar S/O Mohan Mahto Resident of village-
Tataila, Ward No. 02, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bhavesh Kumar Sah, Advocate
For the State : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, it is alleged that this petitioner, along with other accused person named in the F.I.R. and four unknown persons, called son of informant and took him away and thereafter, dead body of son of informant was found.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has falsely been implicated in this case merely on suspicion. Informant is not an eye witness of the occurrence. As a matter of fact, deceased was friend of this petitioner and on the alleged



date of occurrence, the deceased called co-accused Laxman Mahto and told that some people were assaulting him and when this petitioner reached the place of occurrence, he found the deceased dead. Later on, this petitioner got information that driver of a four wheeler vehicle dashed the deceased as a result of which he died. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific and direct accusation that he, along with other accused persons, took away son of informant and thereafter, dead body of the deceased was found.

6. Considering the aforesaid facts and circumstances and specific and direct nature of accusation, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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