

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4918 of 2025

Arising Out of PS. Case No.-516 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Upendra Mahto, S/o Sone Lal Mahto, R/o Village- Laguniya Raghukanth,
P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 28-02-2025 Heard learned counsel for the petitioner and Mr. Arun
Kumar, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

3. The case of the prosecution is that Chhotu Mahto was the brother of the informant who was missing from 29.11.2023 from the house. He had went to his *Sasural*. On 01.12.2023, the informant got an information that near Gurukul School, a dead body is lying. When the informant went there, he found that there was dead body of his brother. After this, the dead body was brought to hospital for *post mortem* and he brought the body to his village for cremation. The informant suspects that



the petitioner in connivance with other accused persons has committed murder and threw away the dead body. It is further alleged that the deceased was married to the co-accused Sinku Devi in the year 2019 but their relation was not good. On 29.11.2023, when the deceased was at house, he received an information that Sinku Devi is going to solemnize marriage with Raju Kumar at Thaneshwar Temple. On this information, he went there and after that his dead body was found.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that from perusal of the *post mortem* report, it is clear that the *anti mortem* injuries which were found on the body of the deceased are of superficial nature. The inquest report goes to show that the deceased was intoxicated. There is nothing except suspicion of the informant against this petitioner. There is no eye-witness of the occurrence and charge-sheet has already been filed. It is further submitted that the petitioner is languishing in judicial custody since 17.09.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Samastipur Mufassil P.S. Case No. 516 of 2023 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Samastipur.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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