

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21846 of 2024

Arising Out of PS. Case No.-178 Year-2022 Thana- MANJHAGARH District- Gopalganj

1. Raj Kumar Mahato @ Rajkumar Mahto S/o- Lahwar Mahto Village- Jhajhwa Ps- Manjhagarh Dist- Gopalganj
2. Bacha Sah @ Bacha son of Umashankar Sah @ Uma Sah Village- Jhajhwa Ps- Manjhagarh Dist- Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 17-01-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 302, 201/34 of the Indian Penal Code.

3. As per the prosecution case, all the FIR named accused persons including these petitioners called brother of the informant from the house and thereafter assaulted him, threw acid on his body and thus committed murder and threw the dead body in the bush.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been roped in the case only on the basis of suspicion. Informant is not eye witness to the occurrence. Besides this, post mortem report, however,



clearly indicates that the death occurred at least four to seven days prior to the postmortem examination. Thus, as per the postmortem report, death must have occurred between 29.05.2022 to 01.06.2022 and not on 04.06.2022. Thus if the post mortem report is believed, the whole prosecution case is falsified.

5. Learned counsel for the State opposes the prayer for bail. He submits that petitioners are named in the FIR with specific allegation that these petitioners and other accused persons took away the brother of the informant and committed his murder and threw the dead body in the bush.

6. Considering the nature of accusation and gravity of offence, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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