

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21538 of 2025

Arising Out of PS. Case No.-469 Year-2024 Thana- DARIYAPUR District- Saran

1.

Dhanoj Kumar @ Dhanoj Kumar Mahto @ Dhanoj Mahto Son of Bahadur Mahto Resident of Village - Mahammadpur, Saidpur, P.S. - Dariyapur, District - Saran
2.

Bablu Kumar @ Bablu Mahto Son of Bahadur Mahto Resident of Village - Mahammadpur, Saidpur, P.S. - Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s :	Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-04-2025

Heard Mr. Jitendra Narain Sinha, learned counsel

for the petitioners and Mr. B.N. Pandey, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Dariyapur P.S. Case No. 469 of 2024 registered for the offence punishable under Sections 103 and 3(5) of the Bhartiya Nyaya Sanhita.

3. The case of the prosecution is that the informant has gone to her *maika* for tying rakhi to her brother. It is alleged that on 19.08.2024 at 11.30 A.M., Bahadur Mahto and Suresh Sah took the husband of the informant. The husband of the informant did not come home till night. In the morning, the locals informed that behind a private school in the maize field



the body was lying. The murder was committed by electrocution. On this information, the informant and others went to the maize field and found the dead body. It is further alleged that there was land dispute between the petitioner and the deceased regarding 19 *dhur* of ancestral land regarding which the co-accused threatened to remove him if the sale deed was not executed in his favour.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. During course of investigation, the brother-in-law of the deceased and others have given their statements. They have stated that co-accused and one other has taken away the deceased from his shop on 19.08.2024 and the dead body was found on 20.08.2024. From perusal of the postmortem report, burn injuries were found on the body of the deceased in which the cause of death is electrocution. During investigation, the I.O. has also collected a C.D.R. of one Suresh Prasad who had talked with the deceased. It is a case of circumstantial evidence and in the cases of circumstantial evidence, the chain of the occurrence must be complete. In this case, only this much has come in the investigation that co-accused and one other have taken the



deceased from his shop one day prior when the dead body was recovered. Nothing else is there against the petitioners. A statement has been made in para-3 of the petition that petitioners have got no criminal antecedent. Other co-accused person has already been granted regular bail by this Court vide order dated 27.02.2025 in Cr. Misc. No. 79998 of 2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Dariyapur P.S. Case No. 469 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Saran, Chhapra subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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