

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47247 of 2025

Arising Out of PS. Case No.-120 Year-2022 Thana- BAIRIYA District- West Champaran

Mahatam Prasad, S/O Late Sukhari Prasad, R/O Vill.- Tadhwananadpur
Khalwa Tola, P.S.- Bairiya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 08-10-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Tarkeshwar Nath Thakur, learned
APP for the State.

2. The petitioner has prayed for bail in connection with Bairiya P.S. Case No. 120 of 2022 registered for the offence punishable under Sections 302, 120B, 201, 506 and 34 of the Indian Penal Code.

3. The case of the prosecution, in short, is that the petitioner along with others have killed the brother of the informant and concealed the dead body.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. From perusal of the F.I.R. itself it is clear that there was



dispute between the deceased and his wife and his wife was living at her paternal house since one year with her children. It has also been submitted that on 24.04.2022 the informant has received a call from his brother for the last time. After that he had no calls. When he went to the *sasural* of the deceased, it is alleged that he was being threatened. It has also been submitted that the F.I.R. itself shows that there is no eye witness to the case. It has also been submitted that the wife of the deceased has also filed a compliant case which was later on registered as F.I.R. under Section 156(3) of Cr.P.C. and in which case she has suspected that her husband has been killed as he has demanded Rs. 60,000/- as his wages from Durgesh Prasad Kushwaha. It has also been submitted that in this case even the dead body was not recovered and there are two stories regarding the cause of the death of the informant's brother. In any view of the matter, there is no specific allegation against the petitioner. It has also been submitted that petitioner is not related in any way with the deceased whereas other accused persons named in the F.I.R. are his in-laws. Petitioner is in judicial custody since 17.05.2025.

5. Learned APP appearing for the State has vehemently opposed the application for 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 3rd , Bettiah, West Champaran in connection with Bairiya P.S. Case No. 120 of 2022.

(Ashok Kumar Pandey, J)

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