

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75851 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- KALUAHI District- Madhubani

Kakul Deo Mahto @ Kakul Dev Mahto Son of Maharaj Mahto R/o Village -
Ward no. 1 Pursauliya, P.S.- Kaluahi , District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard Learned Counsel for the petitioner, Learned
APP for the State and Learned Counsel for the informant.

2. The petitioner is apprehending his arrest in connection with Kaluahi P.S. Case No. 93 of 2023, lodged on 09.05.2023, under Sections 364, 302, 201 and 120(B) of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against unknown accused persons. The petitioner was missing on a particular date of occurrence and he has shown but the dead body was recovered whose face and chest were destroyed by acid.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the witnesses have stated that exchange of



abusive language took place between the accused, Miteshwar Yadav, and the deceased prior to the date of occurrence. The petitioner's name has figured solely due to suspicion by the police, based on witnesses statements, as there is known friendship between Miteshwar Yadav and the present petitioner. Apart from suspicion, there is absolutely no evidence against the present petitioner, not even a confession from the arrested accused.

5. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that a strong suspicion has been raised by the villagers as well as through secret information.

6. Learned APP for the State opposes the prayer for bail and submits that there is no cogent material against the present petitioner, except for mere suspicion.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Madhubani in connection with Kaluahi P.S. Case No. 93 of 2023, subject to



the conditions as laid down under Section 438(2) Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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