

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80781 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- BHELDI District- Saran

1. Parshuram Mahto @ Prashuram Mahto @ Pashuram Mahto S/O Late Munilal Mahto R/O Village- Chandpura, P.O- Aphar, P.S- Bheldi, Distirt-Saran at Chapra- 841402.
2. Dipu Kumar @ Laddu S/O Parshuram Mahto @ Prashuram Mahto@ Pashuram Mahto R/O Village- Chandpura, P.O- Aphar, P.S- Bheldi, Distirt-Saran at Chapra- 841402.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-07-2025 Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in connection with Bheldi P.S. Case No. 264 of 2024 registered for the offence under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The accused/petitioners are named in the F.I.R. and are in custody since 17.08.2024.

4. The allegation against petitioners is to commit murder of son of the informant alongwith other named co-accused persons, for the reasons that deceased was in love affairs with daughter of the co-accused Jitendra Mahto.



5. Learned Counsel appearing on behalf of the petitioners submitted that petitioners implicated with present occurrence only being the reasons that they are agnates of co-accused Jitendra Mahto and cousin uncle of co-accused Kajal Kumari, with whom deceased was said to be in relation. It is pointed out that the informant is not the *eye-witness* of the occurrence and mere on the basis of suspicion, entire family members and cousins were implicated. It is submitted that out of narration as set out through FIR, nothing incriminating appears against petitioner no. 2, despite of the fact he was arrayed as an accused in column no. 7 of FIR, which shows *prima facie*, that how in planned and formulated manner, present implication was made. It is further submitted that upon *postmortem*, no external injury except ligature mark was found upon the deceased, suggesting *prima facie* that no physical assault was made upon him soon before the occurrence. Cause of death categorically mentioned by doctor upon *postmortem* as **"Asphyxia due to Hanging"**. It is submitted that the deceased committed suicide when advancement of deceased was not approved by co-accused



Kajal Kumari and her immediate family members, where nothing transpired during course of investigation to suggest that act of both petitioners are such active or direct, which forced deceased to commit suicide without leaving no option. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Both petitioners claimed clean antecedents.

6. Learned APP duly assisted by learned counsel Dr. Rajesh Kumar Singh, appearing on behalf of the informant, while opposing the prayer of bail submitted that both petitioners actively involved in crime in question.

7. Considering the aforesaid facts and circumstances and by taking note of fact as both petitioners are not the immediate family members of co-accused Kajal Kumari, where *postmortem* report *prima facie*, suggests absence of external injury, where cause of death categorically mentioned as **"Asphyxia due to Hanging"**, coupled with the fact that investigation of this case is already completed,



where petitioners are in custody since 17.08.2024, accordingly, both above named petitioners, are directed to be released on bail in connection with Bheldi P.S. Case No. 264 of 2024 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 Additional Chief Judicial Magistrate, XIth, Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

