

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81923 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- ROSERA District- Samastipur

Sushil Kumar Mahto Son of Rajaram Mahto Resident of Village - Khaira,
Ward No.8, P.S. - Rosera in the district of Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar,

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner seeks bail in connection with
Rosera P.S. Case No. 144 of 2024 dated 25.06.2024
registered for the offence punishable under Sections 302,
201 of the Indian Penal Code and Sections 25(1-B)a, 26, 27
and 35 of the Arms Act.

3. The prosecution case, in short, is that the
informant got information that his brother has been
murdered by unknown miscreants by means of fire arms
and his dead body was thrown in *Datha Chour*.

4. Learned Counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in



this case. It is submitted that the F.I.R. has been lodged against unknown and only on the basis of confessional statement of co-accused Prashant Kumar and confessional statement of the petitioner, the petitioner has been made accused in this case. It is submitted that except confessional statement, no other material has come against the petitioner. It is submitted that as per the F.I.R., the date of occurrence is said to be on 22.06.2024, post-mortem report was commenced on 23.06.2024 at 12:10 AM in the night and the F.I.R. has been lodged on 25.06.2024 after cremation of informant's brother. It is submitted that there is no eye witness to the occurrence. It is further submitted that nothing has come against the petitioner during course of investigation. Lastly, it has been submitted that the petitioner is in custody since 12.08.2024, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the



parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Samastipur in connection with Rosera P.S. Case No. 144 of 2024.

(Khatim Reza, J)

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