

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.89984 of 2024**

Arising Out of PS. Case No.-231 Year-2024 Thana- JOGAPATTI District- West Champaran

1. Rajesh Kumar @ Rajesh Mahto S/o Madan Mahto R/o Village- Machhargawa, P.S.- Yogapatti, District- West Champaran
2. Raja Kumar S/o Madan Mahto R/o Village- Machhargawa, P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Preeti Kumari, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

3      27-03-2025      Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2.      The petitioners seek bail in connection with Jogapatti P.S. Case No. 231 of 2024 instituted for the offence under Sections 103, 61(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3.      Prosecution case in short is that daughter of the informant got married with one Rajesh Mahto (petitioner No.1) in the year 2014 and on 13-07-2024, her daughter was done to death by some unknown persons and thereafter, dead body was thrown away in the orchard of the village.

4.      It has been submitted on behalf of the petitioners



that the petitioners are in custody since 16-07-2024. Petitioners bear no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Petitioner No.1 is the husband of the deceased whereas petitioner No.2 is the brother-in-law of the deceased. Petitioners is not named in the FIR. It is next submitted that the police arrested one 'Akhilesh Bari', allegedly ex-lover of the deceased, based on the deceased's last call record and on the basis of his confessional statement three persons have been implicated, including the petitioners, which has no evidentiary value. As per postmortem report, doctor has opined the cause of death due to haemorrhage and shock by sharp object. No incriminating material has been recovered from the possession of the petitioners. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. As per paragraph No. 25 of the case diary, which is confessional statement of co-accused, Akhilesh Bari, it is submitted that co-accused has very categorically attributed the role of each accused persons, including the petitioners and it is confessed by



him that petitioner No. 1 throttled the neck of the deceased by means of *saree* , whereas petitioner No.2 was holding the legs of the deceased. Postmortem report corroborates with the allegation levelled in the FIR.

7. Considering the aforesaid facts and circumstances of the case, there being direct involvement of the petitioners in the commission of offence, this Court, at this stage, is not inclined to grant bail to the petitioners. Prayer for bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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