

**In The Court of Addl. Sessions Judge-IX,
Sitamarhi.**

STR. No. - 745/2023

Reg. No.- 745/2023

State of Bihar

versus

Chunu Kumar Mahto and others..... Accused (s).

O R D E R

Dated:- 24.05.2024.

A bail petition dated 08-11-2023 has been filed on behalf of accused **Dhramveer Mahto** praying there in to grant bail is pressed by the learned counsel on behalf of accused petitioner on today i.e. 24.05.2024.

Heard both sides in detail.

The learned counsel on behalf of accused has submitted that the accused petitioner is in custody since 07.02.2023, that the accused petitioner is in custody for a long period of time. That this accused petitioner has not filed any bail petition earlier that nothing incriminating material has been recovered from the possession of this accused petitioner. That only incriminating material against this accused petitioner is confessional statement. The confessional statement of this accused petitioner before the police is worthless. That the accused petitioner may be granted bail on the basis of long period of judicial custody. As this accused petitioner is not named in FIR. So the accused petitioner may be granted bail.

The learned APP opposed the prayer of bail and has submitted that the accused petitioner is an accused of heinous crime of murder. So he does not deserve bail.

The prosecution case in brief is that as stated that written petition of informant that on 03.01.2023 at 06:00 P.M. informant's husband went to market and he did not return till late night. It is also said that on 04.01.2023 the informant started to search her husband, but the deceased could not traced out. It is further stated that on 05.01.2023, she viewed the photograph of dead body her husband in news and also on mobile. That she went to Sadar Hospital, Sitamarhi and she viewed that her husband throat was slitted by unknown persons. She has claimed that unknown persons have committed murder of her husband by cutting his throat through a sharp cutting weapon.

On the basis of written petition of informant Punaure P.S. case no. 05 of 2023 by registered against unknown persons for offences u/s 302 of IPC.

The case record transpires that the informant has disclosed in her re-

statement in para 03, that her deceased husband was used to talk accused Chunu Mahto and others on his mobile no. 9199668267. The witness Rohit Kumar has also stated that accused Chunu Mahto has taken five lakhs rupees from his deceased father. The confessional statement of this accused person is mentioned in para 44 of the case diary. This accused petitioner has confessed his guilt and and has also stated that he along with other accused persons has hatched a conspiracy to murder the deceased. As the deceased has lended five lakhs rupees to accused Chunu Mahto, that all the accused persons planed to murder to deceased only to grab the aforesaid amount of money because the deceased was now and then demanded about the aforesaid money. The seizure list which is mentioned in para 51 of case diary, it is obvious that the weapon of assault i.e. knife and other incriminating material like soil with blood stain, mobile is recovered from the place of occurrence on the basis of confessional statement of accused persons. It seems that this accused petitioner may be involved in the said heinous occurrence.

The bail petition of co-accused persons have already been rejected on merit by by Hon'ble High Court, Patna vide order dated 11.10.2023 in Cri. Misc. No. 52151 of 2023. The case record is fixed for prosecution evidence. Bailable warrant has already been issued against witnesses. It is expected that trial of this accused petitioner may be concluded as earlier as possible. It will be not proper to grant bail to this accused petitioner for a fair trail.

Accordingly, the bail petition dated 08.11.2023 filed on the behalf of accused **Dhramveer Mahto** is hereby **rejected**. **(Dictated)**

**Addl. Sessions Judge IX,
Sitamarhi.**

Dated: 24.05.2024