

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30005 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- GHOSWARI District- Patna

Bechan Mahto S/o Late Hardev Mahto Resident of Village-Milki, Police
Station-Ghoswari, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mrs.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-11-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Ghoswari P.S. Case No.
22 of 2020, registered for the offence punishable under Sections
302, 34 of the Indian Penal Code.

As per prosecution case, on 19-02-2020, it is alleged
that one Kishore Mahto (co-accused) had called husband of the
informant on mobile and thereafter, her husband went to Isha
nagar, but he did not return and on the next date, she (informant)
got an information that the dead-body of her husband is lying in
the agricultural land of one Ramotar Mahto. Thereafter, she
went there and saw the dead-body of her husband and she
further alleged that co-accused Kishore Mahto and other co-
accused have committed the murder of her husband.

It is submitted on behalf of petitioner that petitioner is
not named in the FIR and has been falsely implicated in this



case only on the basis of confessional statement of co-accused Kishore Mahto. It is further submitted that there is neither any eye-witness to the occurrence nor any direct or indirect evidence against the petitioner. Petitioner has got no criminal antecedent, as stated in paragraph – 3 of the petition and he is in custody since 07-03-2020. Chargesheet has already been submitted.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri K.P.Arya, learned Judicial Magistrate 1st Class, Barh, Patna in connection with Ghoswari P.S. Case No. 22 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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