

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38099 of 2021

Arising Out of PS. Case No.-385 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. SANTOSH KUMAR MAHTO S/o Ramdas Mahto R/o Village- Bindusar Hamid, P.S.- Siwan Muffasil, District- Siwan.
2. Anil Kumar Mahto @ Anil Kumar S/o Ramdas Mahto R/o Village- Bindusar Hamid, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioners seek bail in Siwan Muffasil P.S. Case
No. 385 of 2019, registered for the offence punishable under
Sections 302, 120B/34 of the Indian Penal Code.

As per the prosecution case, this petitioner along with
other FIR named accused persons and some unknown persons
taken away the son of informant on the alleged date and time of
occurrence. Thereafter, dead body of son of informant was
found near pitch road.

It is submitted on behalf of the petitioner that



petitioner has falsely been implicated in this case. FIR has been lodged after delay of 03 days without any plausible explanation. There is general and omnibus allegation against all the 06 FIR named accused persons and no specific overt act has been alleged against this petitioner. No one has seen the actual killing of the deceased. Similarly situated co-accused has been granted by this Hon'ble Court vide order dated 10.03.2021 passed in Cr. Misc. No. 34891 of 2020. Petitioner is in custody since 21.01.2021 having clean antecedent. Investigation is complete.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Siwan in connection with Siwan Muffasil P.S. Case No. 385 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



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

(Prabhat Kumar Singh, J)

vinita/-

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