

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46684 of 2021

Arising Out of PS. Case No.-262 Year-2003 Thana- TAJPUR District- Samastipur

=====

AWADH MAHTO @ AVADH MAHTO S/O PARMESHWAR MAHTO R/o
village- Motipur, P.S.- Tajpur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Tajpur P.S. Case No. 262 of 2003 registered for the offences punishable under Sections 302, 34 of the IPC.

As per FIR, the informant heard about killing of his son and when he reached at the place of occurrence, he found dead body of his son lying on the road. It is further alleged that informant came to know that some altercation had taken place between one Gauri and deceased. It is further alleged that one Kusheshwar Mahto said something to deceased and in



retaliation deceased injured him. The said Kusheshwar Mahto was taken to hospital for treatment and in the meantime, near about hundred people assaulted the informant's son who died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR itself that present FIR has been lodged against one Kusheshwar Mahto and near about 100 unknown persons. It is further submitted that after investigation, police submitted final form against the petitioner on 29.10.2007. It is further submitted that learned Chief Judicial Magistrate differed with the final form submitted by the police and took cognizance against the petitioner under Sections 302 and 34 of the IPC against the petitioner also. It is further submitted that co-accused, namely, Ram Avtar Mahto @ Shravan Mahto, Vimal Mahto, Parmeshwar Mahto and Bhola Mahto have been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 22.09.2021 passed in Cr. Misc. No. 3569 of 2021. Petitioner is in custody since 24.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.



Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released 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 Additional Chief Judicial Magistrate-1, Samastipur in connection with Tajpur P.S. Case No. 262 of 2003, subject to the following conditions:-

1. 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 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

