

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39236 of 2020**

Arising Out of PS. Case No.-195 Year-2019 Thana- NOORSARAI District- Nalanda

AKASH MAHTO @ AKASH DEV S/o Vijay Mahto Resident of Village -
Daruara, P.S. - Noorsarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Rajendra Narayan, Sr Advocate with Mr Binit Kumar, Advocate
For the State	:	Ms Pushpa Sinha, APP
For the Informant	:	Mr Ajay Kumar No 1, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-03-2021 Heard learned senior counsel for the petitioner,
informant and the learned APP for the State.

The petitioner seeks bail in Noorsarai Police Station
(for brevity, *PS*) Case No 195 of 2019 instituted for the offence
punishable under Sections 302, 201/34 of Indian Penal Code
and Section 27 of Arms Act.

It is the prosecution case that four persons have taken
away the informant's son who was later found killed.

Learned senior counsel for the petitioner submits that
the petitioner has no criminal antecedent. In the First
Information Report (for brevity, *FIR*), the petitioner has not
been named as one amongst the four who have allegedly taken



away the informant's son. His name has been later dragged in the case on the statement of brother of the victim. The petitioner happens to be from the same village and, therefore, omission of the petitioner's name in the FIR and later addition, is indicative of false implication of the petitioner based on extraneous considerations, as he happens to be brother of one of the named accused Vikas Mahto. Petitioner is in custody since 07.03.2020. There is no recovery of any incriminating article to suggest the petitioner's involvement.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail referring to the statement of the victim's brother in course of investigation that there was bona fide omission of the petitioner's name in the FIR and, therefore, has been stated during the course of investigation.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Nalanda at Biharshari in Noorsarai PS Case No 195 of 2019 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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