

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.459 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- DAUDNAGAR District- Aurangabad

Rajendra Mahto Son of Late Mudrika Mahto Resident of Village - Makhara
Tola, Aayodhya Bigha, P.S.- Daudnagar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha, Adv
For the State	:	Mr. Ramchandra Sahini, APP
For the informant	:	Mr. Rakesh Sinha, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 06-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the informant.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Daudnagar P.S Case No. 141/2020 registered under Sections 302 and 34 of the IPC and Section 27 of the Arms Act.

6-7 miscreants entered into the house of the



appellant and assaulted his family members. The father of the informant who is Panchayat Rojgar Sewak has been fired upon and has succumbed to the injury. Two of the miscreants have been named along with two in-laws of the brother. Other than four named co-accused, including the petitioner, there is no details in respect to the alleged assailants.

Learned counsel for the petitioner submits that other than in confessional statement of co-accused Devendar Kumar and his own confessional statement there is no material on record to suggest the petitioner's involvement in this case. Submission is that even motive has not emerged from any material collected in course of investigation. The petitioner is stated to be in custody since 07.08.2020. He is also stated to be on bail in the other cases pending against him as per bail petition and the supplementary affidavit filed in course of instant proceeding. Co-accused Devendar Kumar, whose confessional statement has led to the petitioner's implication has also been allowed bail.

Learned APP and learned counsel for informant have opposed the prayer for bail. It is submitted that as per confessional statement of co-accused the petitioner was responsible for hatching conspiracy and he was one of the active



participants of the occurrence.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named 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 S.D.J.M. Daudnagar Aurangabad in Daudnagar P.S Case No. 141/2020 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.

(Madhuresh Prasad, J)

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