

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2375 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Muneshwar Mahto @ Muneshvar Mahto @ Lal Babu @ Lal Baba Son of
Domi Mahto Resident of Village- Dih Boriya, P.S.- Vibhutipur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2022 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 a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 302
of the Indian Penal Code.

According to prosecution case, the informant namely
Sudha Devi who is mother of deceased Sonu Kumar filed a
written statement to the S.H.O. Bibhutipur alleging therein that
on 18.01.2021 she was at her home alongwith his other family
members and all of sudden the all named accused persons and
70-80 unknown persons have attacked at his house and have
kidnapped the son of the informant namely Sonu Kumar and



taken at the Chowk of Boria Dih and killed him by means of lathi, danda, Khanti, rod, breaks and stone.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation against the petitioner. He further submits that during investigation except the suspicion nothing has come against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manoj Mahto @ Manoj Kumar Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2022 passed in Cr. Misc. No. 61420 of 2021. The petitioner is in custody since 10.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Bibhutipur P.S. Case No. 26 of 2021, 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)

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