

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66204 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- RAHUI District- Nalanda

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Munna Mahto Son of Prakash Mahto @ Jay Prakash Sinha Resident of
Village - Korai, P.S.- Deepnagar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7494 of 2022

Arising Out of PS. Case No.-72 Year-2020 Thana- RAHUI District- Nalanda

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Samar Singh @ Chhotu @ Aryan Kumar Singh @ Aryan Son Of Ramesh
Singh Resident Of Village- Patna, Gay Ghat Karnalganj, P.S- Alamganj, Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 66204 of 2021)

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 7494 of 2022)

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Ms. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 06-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with S.T.

No. 376 of 2021 arising out Rahui P.S. Case No. 72 of

2020, registered for the offences punishable under Sections



302, 34 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the F.I.R. is that informant's husband, namely, Dr. Priyaranjan Kumar Priyadarshi who was deputed in Additional Health Centre, Gokhulpur Math, was shot at by some criminals near Chhabilapur bridge, due to which he died.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that the case has been lodged against unknown and even after completion of the investigation, there is no incriminating material found against the accused-petitioners except confessional statement of co-accused before the Police which has no evidentiary value in the eyes of law.

The petitioners have been languishing in jail since 15.03.2021 and 25.05.2020 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.



It has further been stated in paragraph no. 3 of the petition that the petitioner, namely, Munna Mahto, has earlier been made accused in ten other cases in which he is on bail, whereas the petitioner, namely, Samar Singh has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-1, Biharsharif, Nawada in connection with S.T. No. 376 of 2021 arising out Rahui P.S. Case No. 72 of 2020 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their



absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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