

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.891 of 2022

Arising Out of PS. Case No.-466 Year-2021 Thana- BAHADURPUR District- Darbhanga

KUNDAN KUMAR MAHTO Son of RamVilash Mahto Resident of Village -
Bhelu Chak Dal Mill Road, P.S. - Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8413 of 2022

Arising Out of PS. Case No.-466 Year-2021 Thana- BAHADURPUR District- Darbhanga

Raja Sah @ Raja Kumar Sah Son Of Umesh Kumar Sah @ Umesh Sah
Resident Of Mohalla- Milkichak Dilabarpur, Bheluchak Dal Mill Road, P.S.-
Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 891 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey,APP

(In CRIMINAL MISCELLANEOUS No. 8413 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioners and the
learned A.P.P. for the State in both the applications.

The petitioners seek bail in a case registered for the



offence under Sections 341,342,307,504,506,34 of the Indian Penal Cod and Section 27 of Arms Act and later on added Section 302 of IPC.

Allegation against the petitioners is that they alongwith their friend are in drunken condition abused the informant and co-accused D.J. Kumar with intention to kill the informant fired upon the informant, due to which informant became seriously injured and took him to D.M.C.H. for treatment and from where referred to P.M.C.H. but in the way informant Shiv Kumar died.

Learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR that there is direct allegation of firing is against co-accused, namely, D.J. Kumar who fired upon the informant (deceased). Further submits that in fact they are accompanied with the co-accused, namely, D.J.Kumar at the time of occurrence. Petitioner-Kundan Kumar Mahto is in custody since 20.09.2021 and petitioner-Raja Sah is in custody since 08.10.2021.

Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioners on the basis of the material available on the record and the case diary and submits



that during investigation witnesses in para Nos.7, 8, 9, 10, 11, 12, 15, 16 of the case diary have supported the case of the prosecution and para-53 of the case diary brother of the informant has also filed an application before the S.H.O. Bahadurpur P.S. alleging therein that the petitioners and others fired upon the informant (deceased).

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Bahadurpur P.S.Case No. 466 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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