

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9007 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- BAKHARI District- Begusarai

Nandan Kumar @ Nandan Mahto Son of Sri Shambhu Mahto Resident of
Charahi, P.S.- Bakhri (Parihara O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand, Sr. Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned counsel appearing on behalf of the
State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bakhri
P.S. Case No. 293 of 2021 registered for the offence under
Sections 363, 365, 326(A), 302 and 201 of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.11.2021.

The allegation against the petitioner is to commit
murder of the son and nephew of the informant alongwith other
co-accused persons.



Learned senior counsel appearing on behalf of the petitioner submitted that except suspicion, there is nothing against the petitioner. It has been submitted that informant is not the eye witness of the occurrence. It has further been submitted that statement of one of the eye witness, namely, Sarita Kumari, recorded under Section 164 of Cr.P.C., during the course of investigation, wherein, it has been categorically stated that the deceased was last seen with the co-accused, namely, Vikram Kumar. While concluding the argument, it has been submitted that the petitioner is a man of clean antecedent and, moreover, chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as the informant is not the eye witness of the occurrence coupled with the fact that deceased was last seen with the co-accused, namely, Vikram Kumar, let the petitioner, above named, is directed to be released on bail in connection with Bakhri P.S. Case No. 293 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Chief
Judicial Magistrate-VI, Begusarai, subject to the following
conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically
present on each and every date before the
Trial Court till conclusion of the trial and
exemption from physical appearance be
allowed by the Trial Court, only on medical
ground of the petitioner, duly supported by
the documents.

(ii) That one of the bailors shall be
Shambhu Mahto, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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