

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19746 of 2021

Arising Out of PS. Case No.-245 Year-2019 Thana- MIRGANJ District- Gopalganj

Robin Mahto Son Of Heera Lal Mahto @ Heeralal Prasad R/O Village-
Rampur, P.S.- Siwan Muffasil, Dist.- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27099 of 2021

Arising Out of PS. Case No.-245 Year-2019 Thana- MIRGANJ District- Gopalganj

SHIBU @ MD. SADIM S/o Md. Shamim Ahmad @ Md. Shamim R/o
village- Baghra Laxamipur, P.S.- Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19746 of 2021)

For the Petitioner/s : Mr.Kundan Kumar, Adv

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

(In CRIMINAL MISCELLANEOUS No. 27099 of 2021)

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-01-2022 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 in virtual

Court proceeding.



The petitioners seek bail in connection with Mirganj P.S.Case No. 245 of 2019 registered for the offence under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on 07.10.2019 informant's son namely, Anup Ranjan left home to visit Thawe Temple from his Alto Car. On his way to temple he went to his Nanihal at village- Khargi District-Gopalganj. From there he went to Siwan. While going to Siwan he was shot by unknown persons at Khargi more. When the informant came to know about the incident he alongwith his wife, daughter, and his own brother namely Ashok Kumar reached at Khargi More found police brought the dead body of his son namely Anup Ranjan. The informant came to know about the matter when he reached Khargi More.

Learned counsel appearing for the petitioners submits that the petitioners are not named in the FIR. They have falsely been implicated in the present case. He further submits that name of the petitioner (Shibu @ Md. Sadim) has come on the basis of the self-confessional statement of petitioner (Shibu @ Md. Sadim) and the name of the petitioner (Robin Mahto) has come on the basis of confessional statement of co-accused



(Shibu @ Md. Sadim). He further submits that it appears from the FIR itself that the allegation against the petitioners are concocted and they have falsely been implicated in the present case. He further submits that no incriminating article has been recovered from possession of the petitioners. He further submits that the police, after investigation, submitted chargesheet against the petitioners. Petitioner (Shibu @ Md.Sadim) is in custody since 09.09.2020 and petitioner (Robin Mahto) is in custody since 25.09.2020.

Learned A.P.P. for the State, on the basis of case diary, has opposed the prayer for bail of the petitioners and submits that there is sufficient material against the petitioners in the case diary. Petitioner (Shibu @ Md. Sadim) carries three more cases other than the present one. Petitioner (Robin Mahto) carries six more cases other than the present one.

Considering the aforesaid fact and period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj(Petitioner-Robin Mahto)/learned A.C.J.M.-XVI, Gopalganj (Petitioner-Shibu @ Md. Sadim) in connection with Mirganj Police Station Case



No.245 of 2019 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)

Nitesh/-

U		T	
---	--	---	--

