

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9721 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- DANDARI District- Begusarai

LAKHINDAR MAHTO S/o Late Jagdeo Mahto R/o village- Rajopur, P.S.-
Dandari, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9743 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- DANDARI District- Begusarai

RAMAN KUMAR @ RAMLAL Son of Sri Nanhku Mahto Resident of
Village - Rajopur, P.S.- Dandari, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9721 of 2022)

For the Petitioner/s : Mr.Lal Mani Sharma

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

(In CRIMINAL MISCELLANEOUS No. 9743 of 2022)

For the Petitioner/s : Mr.Lal Mani Sharma

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Dandari P.S. Case No. 79 of 2021 registered for the offences



punishable under Sections 399 and 402/34 of the Indian Penal Code and Section 25(1-B) a, 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of two live cartridges from the possession of Lakhindar Mahto as well as two live cartridges was also recovered from the left pant of the petitioner Raman Kumar @ Ramlal and both petitioners were apprehended from the spot.

Learned counsel for the petitioner submits that the petitioners are quite innocent and they have been falsely implicated in this case. Nothing has been recovered from the possession of the petitioners. Petitioners are in custody since 30.08.2021. Petitioner, Lakhindar Mahto bears criminal antecedent of one case of SC/ST Act in which he is on bail and petitioner, Raman Kumar bears clean antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. It further submitted that their names were fabricated in this case only on suspicion. There is no eye witness. It is evident from the F.I.R. that the informant himself has given a very contradictory statement.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case



as well as period of custody and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Begusarai in connection with Dandari P.S. Case No. 79 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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