

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10286 of 2022**

Arising Out of PS. Case No.-254 Year-2021 Thana- MAHARAJGANJ District- Siwan

Ashok Kumar Mahto S/O Deo Narayan Mahto, Resident Of Village-
Dhanauta, P.S.- Duraundha, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13450 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- MAHARAJGANJ District- Siwan

Dhannu Gond @ Dhanu Gond @ Dhannu Kumar Sah Son of Triloki Sah,
Resident of Village - Jagdishpur, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10286 of 2022)

For the Petitioner/s : Mr. Ravinder Kumar, Advocate

Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 13450 of 2022)

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 22-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302, 120(B) of the Indian



Penal Code.

According to prosecution case, on the basis of letter of the informant namely Sabita Devi on 20.10.2021 when the informant along with her son (deceased) were sitting on their house gate. His friends arrived and told him to go with them, but he and his mother refused to go. But in the end the informant's son went with their friends. The informant's another son who lives in Gujrat called her and informed that he has got a call from the police station about the death of his Brother. The informant along with villagers went to the canal of her village and found the dead body.

Learned counsel for the petitioners submits that petitioner no.2 has clean antecedent and petitioner no.1 has two criminal antecedents. He further submits that they are innocent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence and nothing has come during investigation against the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 25.10.2021 and petitioner no.2 is in custody since 25.01.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.1 carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with B.P. No. 19 of 2022, arising out of Maharajganj P.S. Case No. 254 of 2021, subject to 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 bond 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.

3. 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 antecedent, 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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