

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14427 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- MANJHI District- Saran

Sunil Kumar Mahto Son of Sudama Mahto Resident of Village - Gurdaha
Kala, P.s.- Manjhi, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20268 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- MANJHI District- Saran

Hirdayanand Kumar Mahto Son of Late Ramanand Mahto Resident of village
- Sawanbigrah, P.S.- Daroudha, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14427 of 2022)

For the Petitioner/s : Mr. Udai Shankar Singh

For the Opposite Party/s : Mr. Rabindra Kumar

(In CRIMINAL MISCELLANEOUS No. 20268 of 2022)

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 12-09-2022 Heard learned counsel for the petitioners and



learned APP for the State.

The petitioners seek bail in connection with Manjhi P.S. Case No. 366 of 2021, registered for the offences punishable under Sections 302/34 of I.P.C.

The prosecution case as emerges from the FIR is that the victim had gone to accompany the accused-petitioner Sunil Kumar Mahto and after some hours, he was found to be dead and a suspicion has been raised by the informant that Sunil Kumar Mahto and Hirdayanand Kumar Mahto have killed the victim.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case and there is no material on record to connect the petitioners with the alleged offence, even after the completion of investigation and submission of charge-sheet. He further submits that the petitioners have been languishing in jail since 19.10.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.



It has further been stated in paragraph no. 3 that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that this is a case of murder and as per the post-mortem report the victim had died of shock and haemorrhage on account of sharp cut injuries on the body of the deceased and as per the confessional statement of accused-petitioner Hirdayanand Kumar Mahto and Sunil Kumar Mahto before the Police, they have killed the victim. However, he fairly concedes that there is no other connecting material in the entire case-diary against the petitioners.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIII, Saran at Chapra in connection with Manjhi P.S. Case No. 366 of 2021, **after framing of charge**, on the following conditions:



(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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