

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24507 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- GORAU District- Vaishali

1. Bhola Mahto Son Of Sri Rajesh Mahto Resident Of Village Husena, Police Station- Bhagwanpur, District-Vaishali
2. Suraj Mahto Son Of Late Nageshwar Mahto Resident Of Village Bahadurpur, Police Station- Goraul, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Goraul P.S.Case No. 47 of 2020 registered for the offence under Sections 341,323,324,307,34 of the Indian Penal Code.

The prosecution case, in short, is that 29.12.2019 at about 3.00 PM, Mukesh Kumar, brother of the informant Rajesh Kumar, went with both the petitioners. At about 7.00 PM they left to the brother of the informant behind house. On information, people assembled there. The brother of the informant went to Leelawati Devi Hospital, Hajipur for treatment, thereafter, he referred to Ayushman Hospital, Hajipur.



Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the case diary that the brother of the informant was himself on the motorcycle and due to meet with an accident the brother of the informant has died. He further submits that the police, after investigation, submitted chargesheet against the petitioners under Section 304 of the IPC. Petitioners are in custody since 09.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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, Vaishali at Hajipur in connection with Goraul P.S.Case No. 47 of 2020 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)

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