

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25814 of 2021**

Arising Out of PS. Case No.-32 Year-2010 Thana- BHELDI District- Saran

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Sanjay Mahto Son Of Late Shree Mahto R/O Village - Shobhepur Kasmar P.S  
-Sonepur District- Saran At Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Krishna Kumar Yadav, Adv

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

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

5      02-03-2022                      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 petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Bheldi P.S. Case No.32 of 2010, corresponding to S.Tr.No.70 of 2021 registered for the offence under Sections 302,201 and 34 of IPC.

As per the prosecution, the informant, Dafadar Badri Rai alleged in his fardbeyan before the SHO Bheldi P.S. that on 24.04.2010 at about 8.00 O' clock morning gave his statement that when he came at Shaubhebazar he came to know that one dead body was lying in Mosnapur Canal at Shaubhebazar



village. He went at Mosnapur Canal and found a dead body of young male person aged about 25-30 years, colour fair and height 5'8" wearing Black Pant red shirt and white check of full sleeve soaked with blood and head was lying north direction. No one had recognized him. There was blood stain at the place of occurrence. It seemed that person was murdered with stabbing knife in back night and to hide kept there the dead body in Canal.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of the suspicion. He further submits that during investigation nothing has come against the petitioner. He further submits that co-accused, namely, Jagdish Mahto, has been granted privilege of anticipatory bail vide order dated 16.04.2012 in Cr. Misc. No.13457 of 2012 and another co-accused, namely, Phuljhari Devi @ Laljhari Devi has been granted bail vide order dated 27.07.2012 in Cr. Misc. No.26535 of 2012. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three



more cases other than the present one.

Considering the fact and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XIII, Saran at Chapra in connection with Bheldi P.S. Case No.32 of 2010, corresponding to S.Tr.No.70 of 2021 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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