

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16232 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- HARNAUT District- Nalanda

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PRAMOD KUMAR SON OF DIKESH MAHTO @ DIKESH PRASAD
RESIDENT OF VILLAGE- PORAI, POLICE STATION- HARNAUT,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Harnaut (Kalyan Bigha) P.S. Case No. 27 of 2021 for the
offences under Sections 302, 120(B) of the Indian Penal Code
and Section 27 of the Arms Act.

As per the FIR, the informant alleged that she was
informed that her husband has been killed and when she went
along with the villagers there, she saw her husband lying on the
road. He was brought to the hospital and declared dead.

Learned counsel for the petitioner submits that the
petitioner has not been named in the FIR and his name has



cropped up in the confessional statement of co-accused Arvind Singh who has since been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 07.12.2021 passed in Cr. Misc. No. 56480 of 2021 which he has brought on record by way of Annexure-2 to the bail application.

Taking into account the fact that the charge sheet stands submitted in the case, he is in custody since 16.09.2021 (as stated in paragraph 14 of the bail application) as also the fact that one of the co-accused has since been granted the privilege of bail, this Court is inclined to grant him the privilege of bail subject to certain conditions in view of the fact that the petitioner has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Harnaut (Kalyan Bigha) P.S. Case No. 27 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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