

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30884 of 2021**

Arising Out of PS. Case No.-103 Year-2019 Thana- GORIAKOTHI District- Siwan

Naresh Kumar @ Naresh Mahto @ Dress Mahto S/o Bansnth Mahto @
Sheshnath Mahto R/o village- Sisai Tarkul Tola, P.S.- Goreyakothi, District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Aslam Ansari, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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

3 31-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Goreyakothi
P.S. Case No. 103 of 2019 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

According to prosecution case, on the basis of report
of the informant Jyoti Kumari given to the Officer-in-charge
Goreyakothi, alleging therein while she was sleeping at the
house of her one of the sons, she heard the sound of crying of



her daughter-in-law, Indu Devi. She rushed towards her and noticed that some nearby people were coming and found her elder son laying under the cot with knife injuries on his stomach. Some local people tried to rush the injured to hospital but he died. She suspected that some unknown persons killed her son.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that after one year of the occurrence, the petitioner has been made accused in the present case only on the basis of suspicion. He further submits that there is no eye witness of the occurrence and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Rakesh Mahto who confessed that he has committed the said occurrence. The co-accused Rakesh Mahto is the full brother of the deceased. The petitioner is in custody since 30.09.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, 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 the learned 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with Goreyakothi P.S. Case No. 103 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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