

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22320 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- KARANDAY District- Sheikhpura

AJAY MAHTO S/o Joginder Mahto Resident of Village- Chhathiyara, P.S.-
Karendey, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Adv. Mr. Pramod Kumar Sinha, Adv.
For the State	:	Mr. Anand Mohan Prasad Mehta, APP
For the Informant	:	Mr. Bharat Lal, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-09-2022 Supplementary affidavit has been filed on behalf of
the petitioner to bring on record one criminal antecedent.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State assisted by learned counsel for the
informant.

The petitioner seeks bail in connection with
Karandey P.S. Case No. 25 of 2021 registered for the offences
punishable under Sections 302, 201, 34 of the Indian Penal
Code.

As per prosecution case, on 30.07.2021 at 6
O'clock informant Sarita Devi was working with her husband in



the field. When informant was coming back to her house, she told her husband to accompany her then informant's husband told that he will come back after harvesting 5-6 line of paddy crop. Thereafter informant went to her house and her husband did not return within two hours, then informant along with whole family searched till 1 AM, but her husband was not traced. It is further alleged that on 31.07.2021 at 6 O'clock her brother-in-law Bipin Mahto went to Dillu Coal Khanda searching him and found her husband dead in the well. It is further alleged that 8 days earlier to the occurrence altercation between agnates and her husband took place relating to land and petitioner and co-accused Kamlesh Mahto had told that they will not go to Mumbai unless they kill the informant's husband. It is also alleged that the present petitioner, co-accused Kamlesh Mahto, Joginder Mahto and other unknown have committed the murder of the husband of the informant.

Learned counsel for the petitioner submits that petitioner is in custody since 29.12.2021. Petitioner bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is nothing on record to demonstrate the complicity of present



petitioner with the alleged occurrence. There is no eye witness of the alleged occurrence. The informant lodged the case against the petitioner only on suspicion. Both the parties are agnates. There is land dispute between both the parties. So far as the allegation of threatening is concerned, no Sanha is available on record. He further submits that as per postmortem report, no external injury on the body of deceased has been found and cause of death of deceased was due to mechanical asphyxia and neurogenic shock caused by mugging.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sheikhpura in connection with Karandey P.S. Case No. 25 of 2021, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and his absence without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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