

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36732 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- PATORI District- Samastipur

1. Ajay Mahto @ Ajay Kumar, aged about 45 years, Male, S/O Late Ram Ishwar Mahto R/o village- Hasanpur Surat, P.S.- Patori, District- Samastipur
2. Raja kumar @ Raja Babu aged about 20 years, male, s/o Awadhesh Kumar Singh @ Awadhesh Prasad Singh r/o Village- Hasanpur Surat, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Kumar Praveen, Adv.
For the Opposite Party/s :		Mr. Bhanu Pratap, APP Mr. Kundan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioners and learned Additional Public Prosecutor for the State as also learned counsel for the Informant.

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

Petitioners seek bail in connection with Patori P.S. Case No. 81 of 2021 (G.R. No. 708 of 2021) registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 325, 341 and 458 of the Indian Penal Code.

The prosecution case, in short, is that on 19.03.2021 at



about 12.00 at midnight, when the Informant was sleeping in his room, he heard the sound of crying of his elder brother Shashikant Sharma. When he came out of his room, the accused persons started to assault him with danda, bamboo and utensils but, anyhow, he entered into the room of his brother where he saw that unknown persons were sitting over his brother and trying to press his neck. When his brother tried to escape from there, the accused persons throw him from the roof to earth and fled away. On Hulla, the people came there and the S.H.O. and D.Y.S.P. were informed. On call, the Informant went to the Govt. Hospital where his brother was found dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and, only on the suspicion, they have falsely been implicated in the present case. He further submits that from the F.I.R., it appears that there is general and omnibus allegation against the petitioners and there is no allegation of any overt act against them and the petitioners are in custody since 07.04.2021.

Learned Additional Public Prosecutor and the Informant have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Patori P.S. Case No. 81 of 2021 (G.R. No. 708 of 2021), subject to 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.

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 petitioners have concealed their criminal antecedent, 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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