

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37923 of 2021

Arising Out of PS. Case No.-63 Year-2019 Thana- SAHIYARA District- Sitamarhi

Ramsevak Mahto S/o Bhola Mahto R/o village- Matiyar Khurd, P.S.-
Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Sahiyara P.S. Case No. 63 of 2019 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

According to prosecution case, the informant in his written report to the S.H.O. of Sahiyara police station stating therein that on 03.07.2019 when the son of the informant namely Ramesh Kumar was going to his village with his friend Soraj Mahto, then the accused Ram Sewak Mahto, Sambhoo Mahto, Nandan Mahto forcefully tried to stop and pull down



Ramesh Kumar in front of his house but his friend Soraj Mahto somehow managed to save informant's son Ramesh Kumar and brought him to his home. Later on Vikas Paswan, Jitender Das, Vinay Ram, came to the house of the informant on a motorcycle and took away the informant's son out of the house and thereafter, informant's son never returned back. It is further stated by the informant that subsequently on 04.07.2019 morning, the dead body of his son was found hanging on tree. It has been alleged by the informant that all accused persons namely Ram Sewak Mahto, Sambhoo Mahto, Nandan Mahto, Vikas Paswan, Jitender Das and Vinay Ram killed his son in the house of Ram Sewak Mahto and thereafter, hanged the dead body of his son in the orchard of Munna Singh.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact there is no eye witness of the alleged occurrence and only on the basis of suspicion the petitioner and other accused persons have been implicated in the present case. He further submits that during the investigation nothing has come against the petitioner. He further submits that similarly situated, co-accused, namely,



Nandan Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 20.01.2020 passed in Cr. Misc. No. 76526 of 2019. The petitioner is in custody since 09.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 Chief Judicial Magistrate, Sitamarhi in connection with Sahiyara P.S. Case No. 63 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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