

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46540 of 2021**

Arising Out of PS. Case No.-563 Year-2020 Thana- ARA NAGAR District- Bhojpur

=====

RAUSHAN MAHTO @ ROSHAN MAHTO S/o Sri Bhola Mahto Resident
of Village- Sundarpur, Bagh Majhauwa, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Choubey, Adv
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the informant	:	Mr. Madanjeet Kumar, Adv.

=====

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

3 10-03-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Ara
Town P.S. Case No. 563 of 2020 registered for the offence
under Sections 302, 120B and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

The petitioner and his brother-in-law is said to
have threatened the informant to kill her husband and later
on her husband is said to have been killed.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submitted that the name
of the petitioner has surfaced in this case on the confessional



statement of the co-accused. He further submits that there is case and counter case between the parties. He further submits that no one has claimed to be the eye witness of the alleged occurrence. No cogent material has surfaced in this case. The petitioner is rotting in judicial custody since 11.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one. He also submitted that charge has not been framed in this case.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Ara Town P.S. Case No. 563 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



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.

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)

braj/-

U		T	
---	--	---	--

