

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47255 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- SONBERSA District- Sitamarhi

HEMAN MAHTO S/o Late Chaitu Mahto R/o village- Bhutahi, P.S.-
Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 66 of 2021 registered for the offence
under Sections 302/34 of the Indian Penal Code.

The husband of the informant is said to have been
killed by the petitioner and his associates.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
altogether five persons have been made accused in this case
including the mother of the deceased as well as the
petitioner who happens to be full brother of the deceased



and other accused persons are own relatives. He further submits that as a matter of fact, the deceased was suffering from mental disease and he himself committed suicide. Simultaneously, the mother of deceased, who is also an accused in this case, in her statement under Section 164 Cr.P.C. has stated that her son, namely, Fakirchand Mahto, deceased has committed suicide. He further submits that the police after investigation has submitted charge sheet in this case against the petitioner under Section 306/34 of the Indian Penal Code. Therefore, no case under Section 302 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 02.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned C.J.M., Sitamarhi in connection with Sonbarsa P.S. Case No. 66 of 2021 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)

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