

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47303 of 2021

Arising Out of PS. Case No.-378 Year-2020 Thana- DUMRA District- Sitamarhi

Sunil Mahto @ Sunil Kumar S/o Kishori Mahto Resident of Village- Lagama
Ward No. 12, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Informant	:	Mr. Preety Kunwar, Advocate
For the State	:	Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 365, 364, 302, 120B, 34 of the Indian Penal Code.

As per prosecution case, in brief, it is alleged by the informant namely Ramhirpath Mahto on 23.11.2020 at 19:00 O'clock in the evening his son namely Raju Kumar had gone at the shop of Bhola Sah to purchase biscuits but he did not return back. The informant along with his family members started



searching but not succeed and on the basis of which F.I.R. has been lodged against unknown persons.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that the sone of the informant was missing since 23.11.2020 and the informant has filed an F.I.R. on 24.11.2020 against unknown persons and the dead body of the informant's son has been recovered on 05.12.2020. The informant has raised suspicion against the petitioner and falsely implicated the petitioner in the present case. Further submits that there is no eye witness to the alleged occurrence and during investigation nothing has come against the petitioner. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.01.2021..

Learned counsel for the Informant and learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Dumra P.S. Case No. 378 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 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 witness, 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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