

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49878 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- CHANDI District- Bhojpur

SATENDRA KUMAR MAHTO @ SATENDRA KUMAR @ NAN BUTAN
S/o LATE NATHUNA MAHTO R/o VILLAGE-BHADWAR, P.S-CHANDI,
DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 27-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chandi
P.S. Case No. 09 of 2021 registered for the offence under
Sections 302 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.04.2021.

The allegation against the petitioner is to commit
murder of father of the informant for previous enmity.

Learned counsel appearing on behalf of the petitioner



submitted that apparently, informant is not the eye-witness of the occurrence and mere on the ground of suspicion, due to previous enmity, the petitioner has falsely been implicated in the present case, where nothing surfaced during the course of investigation, which may incriminate the petitioner, with the present set of occurrence. It is also submitted that the petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence and save and except suspicion, nothing incriminating surfaced during course of investigation, which may incriminate the petitioner *prima-facie* with the present set of occurrence, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chandi P.S. Case No. 09 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Surendra Mahto who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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