

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43244 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- SONBERSA District- Sitamarhi

VIVEK MAHTO @ VIVEK KUMAR Son of Nageshwar Mahto @ Nagendra
Mahto Resident of village - Bela Parsa, P.S. - Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 Let the defect(s), as pointed out by the office,

be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Sonbarsa P.S. Case No. 167 of 2021 registered for the

offences punishable under Sections 302/120(B)/34 of I.P.C.

and Section 27 of the Arms Act.

As per prosecution case, co-accused Anil

Kumar alias Ghurmaliya with conspiracy took the

informant's husband at the place of occurrence on the

pretext of taking bus ticket where three persons came on

motorcycle and fired indiscriminately upon the informant's



husband due to which he died on the spot. It is further alleged that informant has suspicion that co-accused Anil Kumar alias Ghurmaliya, petitioner Vivek Mahto and six unknown accused persons killed the informant's husband.

Learned counsel for the petitioner submits that petitioner is in custody since 15.01.2022. Petitioner bears three criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in the present case due to dirty village politics. There is no eye witness of the alleged occurrence. The entire allegation against the petitioner hinges around suspicion. Learned counsel further submits that co-accused Anil Kumar alias Ghurmaliya against whom there is a direct allegation as per version of F.I.R. has already been granted bail vide Cr. Misc. No. 59039 of 2021 by a co-ordinate bench of this court and the case of present petitioner stands on better footing. Co-accused Vikash Kumar has also granted bail vide Cr. Misc. No. 54558 of 2021 by a co-ordinate bench of this Court.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused persons have already been granted bail by co-ordinate bench and also taking into consideration the material available on record, 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 C.J.M., Sitamarhi in connection with Sonbarsa P.S. Case No. 167 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkr/-

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

