

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55488 of 2021

Arising Out of PS. Case No.-589 Year-2020 Thana- SONEPUR District- Saran

CHHOTU KUMAR S/o Ramesh Prasad Gupta Residence of Village-
Parmanandpur, Abduli, P.S.- Sonepur, District- Saran at Chapra... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rajani Kumari,Adv

For the Opposite Party/s : Mr.Bharat Lal,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-01-2022 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 and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Sonepur P.S.Case No.589 of 2020 registered for the offence under Sections 341, 323,504,506 and Section 302 of the Indian Penal Code.

The prosecution case, in short, is that one Laxman Mahto, informant, he and his son namely Ghanshyam Mahto running a shop of Samosha and liti at Parmanandpur, whose it has been alleged that on 08.08.2020 at 6.20 P.M., where the accused petitioner and his friend Nitesh Rai @ Dhela, Vikash Rai @ Palu, Dinesh Rai, Ramesh Pd., Khatta Kumar, Nangakhee Kumar and Chotu Kumar came at the shop of the



informant and demanded Samosa and liti and when he demanded his previous dues the accused persons not ready to pay the same and started abusing the son of the informant, they took out the son of the informant namely Ghanshyam Mahto back of the market and beaten him brutally, he sustained internal injury and due to which he died on the spot. The informant save himself from the accused persons after running.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons. He further submits that from perusal of the FIR it appears that there was no intention or motive to kill the son of the informant. He further submits that the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 17.02.2021.

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

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No.589 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 cancelled 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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