

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59339 of 2021

Arising Out of PS. Case No.-216 Year-2021 Thana- RAJGIR District- Nalanda

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Bablu Mahto S/o Vipin Mahto R/o Village - Hasanpur, P.S. - Rajgeer, District
- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Rajgir
P.S. Case No. 216 of 2021 registered for the offence under
Sections 302, 120B and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.07.2021.

The allegation against the petitioner is to commit the
murder of husband of the informant, who is also the father of
the petitioner for land dispute.

Learned counsel appearing on behalf of the petitioner
submitted that the informant is not the eye witness of the



occurrence and the whole content of the fardbeyan is based upon heresay about the occurrence. It has further been submitted that, as per fardbeyan, death was caused due to pressing of neck of the deceased whereas post mortem report is stating that the cause of death is head injury, which also creates a doubt as regard to the version of informant. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as the informant is not the eye witness of the occurrence coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Rajgir P.S. Case No. 216 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 Chief Judicial Magistrate, Nalanda at Biharsharif, 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.

(ii) That one of the bailors shall be Surendra Prasad, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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