

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60716 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- TARAIYA District- Saran

RAKESH MAHTO S/o Prahlad Mahto R/o Village - Chandpura, P.S. -
Taraiya, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Adv

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 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 the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Taraiya P.S.Case No.166 of 2021 registered for the offence under Sections 341,324,307,302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the informant has claimed that all the accused persons including the petitioner had committed the murder of her elder father-in-law, namely, Manager Mahto.



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 the present FIR has been instituted by the informant due to land dispute between the parties because he is the Pairvikar. He further submits that earlier a case i.e. Complaint Case No.1352 of 2021 has been filed by the petitioner's side against the family of the informant. He further submits that it appears from the FIR that co-accused, namely, Manager Mahto died due to firing of co-accused, namely, Vikash Mahto and nothing has come against the petitioner in the FIR. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons and the petitioner is in custody since 26.05.2021.

Learned A.P.P. 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Chapra in connection with Taraiya P.S.Case No.166 of 2021 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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