

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61279 of 2021**

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

JAI PRAKASH MAHTO @ ANSH MAHTO S/o PRAHLAD MAHTO R/o
VILLAGE-CHANDPURA, P.S-TARAIYA, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nalin Kumar, Adv.
For the Opposite Party/s	:	Mr.Ganesh Prasad Singh, APP
For the informant	:	Mr. Nawal Kishore Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 18-04-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as the learned A.P.P. for the
State.

The petitioner seeks bail in a case registered for the
offence under Sections 341, 324, 307, 302/34 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, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
there general and omnibus allegation against the petitioner



and no specific allegation of assault is attributed to him. He further submits that the direct allegation of firing upon deceased, Manager Mahto, is attributed to Vikash Mahto due to which the deceased died. No cogent material has come against the petitioner during course of investigation, therefore, no case under Section 302 of the Indian Penal Code is made out against the petitioner. He further submits that the co-accused, namely, Rakesh Mahto and Om Prakash Mahto have already been granted bail by this Court vide order dated 25.02.2022 and 12.04.2022 passed in Cr. Misc. No. 60716 of 2021 and Cr. Misc. No. 60486 of 2021 respectively. The petitioner is rotting in judicial custody since 26.05.2021.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for bail of the petitioner and submitted that it has come in the paragraphs 22 and 24 of the case diary, which is the statement of the injured Sonu Kumar and Anil Mahto, that the petitioner has fired upon the deceased.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending 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 canceled 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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