

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61420 of 2021**

Arising Out of PS. Case No.-26 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Manoj Mahto @ Manoj Kumar Mahto Son of Mohit Mahto Resident of  
Village - Dihboriya, P.S. - Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Mirityunjay Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Rajiv Nayan, A.P.P.         |
| For the Informant        | : | Ms. Shikha Thakur, Advocate     |

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

3      13-04-2022                      Heard learned counsel for the petitioner and learned  
counsel for the Informant as well as learned Additional Public  
Prosecutor for the State.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 147, 148, 149, 302, 323 and  
341 of the Indian Penal Code.

According to prosecution case, the informant namely  
Sudha Devi has gave a written statement to the S.H.O.  
Bibhutipur alleging therein that on 18.01.2021 she was at her  
home alongwith his other family members and all of sudden the  
all named accused persons and 70-80 unknown persons have



attacked at his house and have kidnapped the son of the informant namely Sonu Kumar and taken at the Chowk of Boria Dih and killed him by means of lathi, danda, Khanti, rod, breaks and stone.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that prior to the present F.I.R. the deceased of the present case and other co-accused persons have killed the minor son of one Mahesh Mahto and the dead body of his son was found and the co-accused of that case namely Mithlesh Ram has confessed that the deceased of the present case have killed the minor son of the Mahesh Mahto. He further submits that in fact the petitioner was present at the time of occurrence and at best petitioner is a member of mob and nothing is specific allegation against the petitioner and there is general and omnibus allegation against all the accused persons. He further submits that during investigation nothing has come against the petitioner and police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.07.2021.

The learned counsel for the Informant as well as learned A.P.P. has vehemently opposed the prayer for bail of the



petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Bibhutipur/Vibhutipur P.S. Case No. 26 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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