

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60440 of 2021**

Arising Out of PS. Case No.-127 Year-2021 Thana- PANCHRUKHI District- Siwan

Narad Mahto S/O Late Kamal Mahto R/O Village-Madrapali, P.S-Pachrukhi,
District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62001 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- PANCHRUKHI District- Siwan

DHARMADEO MAHTO Son of late Chandrama Mahto Resident of Village -
Madrapali, P.S.- Pachrukhi, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60440 of 2021)

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

: Mr. Maruth Nath Roy, Adv

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

For the Informant : Mr. Brajesh Kumar Singh, Adv

(In CRIMINAL MISCELLANEOUS No. 62001 of 2021)

For the Petitioner/s : Mr. Sanjay Parasmani, Adv

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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

3 13-04-2022 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 petitioners and learned
APP for the State in both the applications.

Petitioners seek bail in a case registered for the



offences punishable under Sections 302 and 120(B) of the Indian Penal Code.

The prosecution case, in short, is that on 02.06.2021 when the informant went to his Sasural with his wife then he was informed on telephone that his son Punit Kumar Mahto has been killed and his dead body is hanging on a Tree. The informant also alleged that petitioners alongwith other miscreants conspired to kill his son and earlier they threatened him and warned that his son's character is not good if he will not understand then his dead boy would be found. The informant believed that the said occurrence was committed by the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that in fact the grand daughter of petitioner (Dharamdeo Mahto) was having an affair with the deceased and who was calling on the phone number of deceased and asking the grand daughter of Dharamdeo Mahto to meet him otherwise he may commit suicide. Learned counsel for the petitioners submits that in pursuant to that the deceased committed suicide himself and there is no eye witness of the alleged occurrence and the police,



after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 04.06.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners and submits that there is sufficient material against the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Pachrukhi Police Station Case No.127 of 2021, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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