

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70142 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- BHADAUR District- Patna

Mantu Mahto Son of Gariban Mahto Resident of Village- Moti Bigha, Police
Bhadaur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2022 Heard learned counsel for the petitioner and 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 302/34 of the Indian Penal Code.

According to prosecution case, on the basis of written report of informant namely Amarjeet Kumar alleging therein that on 19.06.2021 Khushbu Devi and Usha Devi gone to market. After sometime both were returning the village Lalpura by Hawa Hawai. While, they reached between Darbey High School and Petmarwa bridge, one motorcycle ridden by three persons dashed the Hawa Hawai and started abusing. They



called other villagers by mobile phone. Hearing the occurrence, he his father, his uncle and other villagers reached at the place of occurrence. Some peoples of village Kirtichak also reached there. The name of three persons riden on the motorcycle are Mithun Kumar, Kevi Kumar, Akash Kumar and Mantu Manth including the three motorcycle rider and six unknown persons have assaulted Pradip Kewat causing his death.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the accused persons and there is no specific allegation against the petitioner. He further submits that similarly situated, co-accused, namely, Mithun Kumar has been granted bail by this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 61911 of 2021. The petitioner is in custody since 16.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Bhadaur P.S. Case No. 47 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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