

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71810 of 2021

Arising Out of PS. Case No.-352 Year-2016 Thana- BAHADURPUR District- Darbhanga

PAPPU MAHTO S/o Dinesh Kumar Mahto, R/o village- Khoksaha, P.S.-
Bibhutipur, District- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
S.Tr. No. 106 of 2020, arising out of Bahadurpur P.S. Case No.
352 of 2016 lodged under Sections 302 and 120(B)/34 of the
Indian Penal Code read with section 27 of Arms Act.

Learned counsel for the petitioner submits that due to
dispute related to purchase and sale of land, this occurrence took
place which resulted into death of informant's husband.

Learned counsel for the petitioner further submits that
petitioner is innocent and has committed no offence. He further
submits that the name of the petitioner has figured in this case
by virtue of the statement disclosed by Sunil Kumar Ray and

said Sunil Kumar Ray became acquitted in this case. Learned counsel further submits that petitioner is in custody since 19.07.2019 having two criminal cases pending against him. Learned counsel further submits that the police has full knowledge that this petitioner is arrested in another case but not remanded the petitioner in this case even after filing the petition, it has come in paragraph-123 of the case diary itself.

Learned counsel for the State opposes the prayer for bail and submits that it is a case of 2016 but till date trial has not been concluded.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV, Darbhanga in connection with S.Tr. No. 106 of 2020, arising out of Bahadurpur P.S. Case No. 352 of 2016, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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