

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10521 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- JANTA BAZAR District- Saran

=====

Bhikhar Mahto @ Rajesh Mahto @ Rajesh Kumar Mahto Son Of Punyakal
Mahto @ Punkal Mahto R/O Village- Basahi, P.S.- Janta Bazar, District-
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard Mr. Harsh Singh, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
24.07.2022 in connection with Janta Bazar P.S. Case No. 41 of
2021, F.I.R. dated 23.02.2021 for the offences punishable under
Sections 302, 201, 34 and 120B of the Indian Penal Code.

According to prosecution case, this petitioner along
with other accused persons have killed the son of the informant
by strangulating him and thereafter hang him on a tree.



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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the petitioner and other accused persons have been implicated in this case and except suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that in fact, the deceased and the accused no. 9, namely, Manisha Kumari was in love with each other and the informant suspected that the accused no. 9, namely, Manisha Kumari has participated in the crime in question and she along with other accused persons have killed the son of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Subash Mahato has been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 65340 of 2022. The petitioner is in custody since 24.07.2022.



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 Additional District & Sessions Judge, 13, Saran, Chapra in connection with Janta Bazar P.S. Case No. 41 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)

Vanisha/-

U		T	
---	--	---	--

