

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16932 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Shivji @ Shivji Mahto Son Of Late Ramjee Mahto R/O Village- Malahi
(MAJORGANJ), P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
09.10.2022 in connection with Majorganj P.S. Case No. 331
of 2022, F.I.R. dated 08.10.2022 registered for the offence
punishable under Sections 302/34 of IPC.

Allegation against the petitioner and other co-
accused persons is that they assaulted to the husband of the
informant. During course of treatment, the husband of the
informant died.

Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case merely on the basis of suspicion. Further submits



that the informant is not the eye witness of the alleged occurrence and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as per FIR allegation in the FIR that the petitioner and other co-accused persons have assaulted the husband of the informant but the postmortem report suggests that only one injury was found on the person of the deceased and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 09.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases.

Considering the aforesaid facts, 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 learned A.C.J.M.-1st Sitamarhi in connection with Majorganj P.S. Case No. 331 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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