

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16817 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- SANGRAMPUR District- East
Champaran

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BIHARI MAHATO S/O BHAGELU MAHTO R/O VILLAGE-
DARIYAPUR PACHABHIRAWA, P.S- SANGRAMPUR, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.12.2022 in connection with Sangrampur P.S. Case
No.405/2022, F.I.R. dated 05.12.2022, for the offences
punishable under Sections 302, 201 & 34 of the IPC.

According to prosecution case, the petitioner being the
informant of this case has alleged that his villagers namely
Mantu Kumar, Krishna Mahto, Kanhaiya Mahto and Dilip
Mahto have committed murder of his daughter with sharp
cutting weapon.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that initially the petitioner was informant of the present case and he has lodged the case against co-accused persons, namely, Mantu Kumar, Krishna Mahto, Kanhaiya Mahto and Dilip Mahto but the police without basis arrested the petitioner and on the basis of his confessional statement, he has falsely been implicated in the present case and except the confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present case. The deceased is daughter of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one.

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 C.J.M., East Champaran at Motihari in connection with Sangrampur P.S. Case No. 405/2022, 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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