

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20991 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- GADHPURA District- Begusarai

SHIV SHANKAR KUMAR Son of Ramanand Mahto @ Ramanand Ray R/V-
Baluaha P.s- Garhpura, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24411 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- GADHPURA District- Begusarai

DHARMENDRA MAHTO SON OF PARMANAND MAHTO RESIDENT
OF VILLAGE- BALUAHA, PS- GARHPURA, DISTT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20991 of 2023)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

(In CRIMINAL MISCELLANEOUS No. 24411 of 2023)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
07.11.2022 and 01.09.2022 respectively in connection with
Gadhpora P.S. Case No.86/2022 dated 13.08.2022, registered
for the offences punishable under Sections 302, 379 and 34 of



the I.P.C but the police after investigation submitted charge sheet under Section 302/34 of the IPC.

According to prosecution case, the petitioners along with other co-accused persons are alleged to have committed murder of the husband of the informant.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have 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 petitioners have not committed any offence as alleged in the F.I.R. He further submits that merely on the basis of suspicion, some altercation took place on 07.12.2022 between the husband of the informant and the petitioners. The informant suspected that the petitioners might have killed the husband of the informant and except suspicion, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioner no.1 is in custody since 07.11.2022 and the petitioner no.2 is in custody since 01.09.2022 respectively.

Learned Additional Public Prosecutor for the State on



the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Miss. Ruby Kumari, J.M.1st Class, Begusarai in connection with Gadhpura P.S. Case No.86/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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