

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31480 of 2023

Arising Out of PS. Case No.-535 Year-2022 Thana- GORAUL District- Vaishali

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AJAY MAHTO @ AJAY KUMAR MAHTO Son of Raj Kumar Mahto
Resident of village-Sahpur Khurd, P.S.-Goraul (O.P. Kathara), District-
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Goraul
(Kathara O.P.) P.S. Case No. 535/2022 registered for the
offences punishable under Sections 363/120(B)/ 34 of the Indian
Penal Code and Sections 302 & 201 added on 03.12.2022.

As per prosecution case, petitioner and others alleged
to have assaulted the informant's husband by administering him
toddy and other intoxicated items and since then the informant's
husband has found traceless. The informant has suspicion that
petitioner along with other accused persons concertedly
committed the murder of her husband.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is languishing in custody since 03.12.2022 and bears no criminal antecedent. He further submits that from perusal of the FIR, it appears that there is no eye witness of the occurrence. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that prudently and pragmatically there are no possibility when marriage party came to the house of the petitioner, he and his family members will think to commit such crime. During course of investigation, the I.O. could not collect any legal evidence against the petitioner as mentioned in para 12 of the bail petition. He further submits that there is inordinate delay of three days in lodging FIR without giving any satisfactory explanation which makes the prosecution case doubtful and unreliable. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of



petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 535/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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