

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31073 of 2022

Arising Out of PS. Case No.-47 Year-2020 Thana- SULTANGANJ District- Bhagalpur

Chandan Mahto @ Chandan Bind S/o Baneshwar Mahto R/o village- Belthu,
P.S.- Shahkund, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2023 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 379, 201/34 of the Indian Penal Code.

The F.I.R. of the occurrence of murder is against unknown.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that the petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired during investigation on the basis of the statement of the father of the deceased on the basis of suspicion. He further submits that except suspicion, no other cogent material has come during investigation against the petitioner and similarly situated co-accused Pankaj Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 06.12.2021 in Cr. Misc. No. 18663 of 2021. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.09.2021.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one but fairly submits that as per averment made in paragraph-3 of the bail petition that the petitioner is on bail in six cases out of seven.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sultanganj P.S. Case No. 47 of 2020, 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 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 witness, 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 antecedents, 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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