

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31699 of 2023

Arising Out of PS. Case No.-130 Year-2015 Thana- KAUWAKOL District- Nawada

Chhotu Mahto @ Chhotelal Mahto @ Chhotelal Prasad Son Of Jagan Mahto
Resident of Village-Mahudar, P.S.-Kawakol District-Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate
For the Opposite Party/s : Mr.Ahmad Ali,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 15.03.2023 in connection with Kawakol P.S. Case No. 130 of 2015, F.I.R. dated 06.11.2015 registered for the offence punishable under Sections 147,148,149,302,506 of IPC, Section 27 of the Arms Act and Sections 16,18,19 and 21 of the U.A.P.Act.

3. The FIR of the occurrence of murder is against unknown.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case which was



instituted in the year 2015 on the basis of the self-confessional statement of the petitioner which was recorded on 13.03.2023. Further submits that the petitioner is not named in the FIR and the informant is not the eye witness of the alleged occurrence and except the self-confessional statement of the petitioner, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.03.2023.

5. Learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. 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 Judicial Magistrate 1st Class, Nawada in connection with Kawakol P.S. Case No. 130 of 2015, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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