

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37001 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- GORAUL District- Vaishali

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Anil Mahto @ Anil Kumar Son Of Vilash Mahto R/O- Vill.- Mustafapur
Harsher, P.S.- Goraul, Dist.- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 328 and 302 of IPC.

The prosecution case, in short, is that on 19.09.2021,
the informant alleged that the petitioner entered into the house
of the victim and forcibly administered poison to the victim.
During course of treatment, the victim died.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that as per
allegation the petitioner entered into the house of the victim and
forcibly administered poison to the victim. Further submits that
there is no eye witness of the alleged occurrence and only on the



basis of suspicion, the petitioner has falsely been implicated in the present case. In fact the victim has committed suicide and the petitioner is not the family member of the victim, he is only a villager and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.01.2022.

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

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (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 Goraul P.S.Case No.369 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her 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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