

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40357 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SURENDRA MAHTO S/o- LATE SIYA RAM MAHTO Village- Nagdah Ps-
Muffasil Singhaul OP, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehend his arrest in connection with Begusarai (Muffasil) Singhaul O.P P.S. Case No. 98 of 2023 for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 20.02.2023 by the informant Usha Devi.

As per the prosecution story, the husband was returning after attending a negotiation, he was informed about firing having taken place. Gajendra and the present petitioner offered to accompany him to his house and when they arrived there, 4-5 unknown persons surrounded the husband of the informant, opened fire causing his immediate death. The informant had suspicion that the role of Gajendra Kumar as he



was dealing with the land. Accordingly, the FIR.

Learned counsel for the petitioner submits as the petitioner was also accompanying the husband of the informant, he too came to be implicated merely on suspicion and upon knowledge of firing they themselves offered to accompany him to save but unfortunately, he was killed.

Learned APP opposes the prayer stating that they ensured that the informant go to his house where the alleged killing took place.

Taking into account the fact that the alleged killing done by some accused persons unknown to the informant and the petitioner do not have criminal antecedent and there is only a suspicion, this Court is inclined to extend him the privilege of bail.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Begusarai/Concerned Court, in connection with Begusarai (Muffasil) Singhaul O.P P.S. Case No. 98 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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