

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41113 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- BHAGWANPUR District- Begusarai

SHYAM MAHTO S/o Late Sukhdon Mahto R/o village- Kiratpur, P.S.-
Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate
For the Informant	:	Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 02.05.2022, in connection with Bhagwanpur P.S. Case No. 69 of 2022, F.I.R. dated 17.04.2022 registered for the offences punishable under Sections 364, 302, 201 of the Indian Penal Code.

Allegation against the petitioner is that he had abducted and thereafter committed murder of the son of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that the informant and other witnesses are not eye witnesses of the alleged occurrence and no incriminating articles has been recovered from the conscious possession or the house of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.05.2022.

The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, on the basis of material available on record and case diary have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraph nos. 42 and 59 of the case diary that the petitioner has committed crime in question but fairly submits that the witnesses as mentioned in paragraph nos. 42 and 59 of the case diary that they are not the eye witness of the alleged occurrence.

Considering the facts and circumstances of the case and the period of custody, 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 Judicial Magistrate 1st Class, Begusarai



in connection with Bhagwanpur P.S. Case No. 69 of 2022,
subject to 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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