

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41588 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- BEUR District- Patna

MAHENDRA KEWAT SON OF LATE DAROGA KEWAT R/O VILLAGE-
HULUKPUR, P.S.- BEUR, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Pandey

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Beur P.S.
Case No. 32/2021 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, on the order of informant's
father, one unknown person fired on the mother of the informant
and she sustained injury on left thigh and during treatment she
died.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to land dispute. The petitioner is not named in the FIR, the name of petitioner transpired in this case on the basis of confessional statement of co-accused Suman Rai. The petitioner is languishing in custody since 21.03.2022 and bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that neither the informant nor any other witnesses have disclosed the name of the petitioner. He further submits that except confessional statement of co-accused there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. FIR named co-accused Suman Rai, who is husband of the deceased, has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.37807/2021 (as mentioned in Annexure-2 of the bail petition) and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the



prosecution evidence and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Patna in connection with Beur P.S. Case No. 32/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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