

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45105 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- KHAJAULI District- Madhubani

CHANDESHWAR MAHTO Son of Late Jitan Mahto R/v- Chatra, P.S-
Khajauli, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45195 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- KHAJAULI District- Madhubani

Fuleshwar Mahto Son Of Late Jitan Mahto R/O Village- Chatra, P.S.-
Khajauli, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46817 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- KHAJAULI District- Madhubani

Baiju Kumar Singh @ Baiju Lal Singh Son of Ramashankar Singh Resident
Of Village - Sukki, P.S.- Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 45105 of 2022)
For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Vinod Kumar, Advocate
Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr.Asha Kumari, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 45195 of 2022)
For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Vinod Kumar, Advocate
Mr. Ravi Prakash
For the Opposite Party/s : Mr. Ganesh Prasad singh, APP
(In CRIMINAL MISCELLANEOUS No. 46817 of 2022)



For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 18-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail, who are in custody since 22.03.2022 in connection with Khajauli P.S. Case No. 42 of 2022, F.I.R. dated 21.03.2022 for the offences punishable under Sections 302, 328, 120(B) of the Indian Penal Code.

According to prosecution case, in brief, as per written report of the informant is that on 20.03.2022 at about 08:00 A.M. one Pappu Kumar Singh came to his house and said to go with him for urgent work. Then he went to Pappu Kumar Singh's house, Pappu Kumar Singh shown him a photo on his mobile that his son has gone on a wrong way, threatened to be a right person otherwise he will be killed. He also attended him a call of a unknown person on mobile who threatened to be right his son otherwise consequences would be faced by him. It was further alleged that he came to his house and searched his son, again on 12-12:30 after noon Mangal Singh also said in threatening position that his son should be on right way. When



the informant asked him that what was the matter then Mangal Singh cut the phone saying that the informant's son had a relation with one girl. Further it was submitted that the informant had go Deoghat for Pooja and proceeded and switched off his mobile for that on 21.03.2022 in the morning when he switched on his mobile then the callings were started from his home then he came to house then it was told that his son had talking relation the daughter of Chandra Shekhar Mahto and for that Chandeshwar Mahto's son-in-law Baiju Kumar Singh and his brother Phuleshwar Mahto threatened to kill his son and he was found in unconscious position near the house of Chandeshwar Mahto in the Chaur of Kamla River. It was also submitted that his son was recovered his both foots were tied by a rope and some poisonous item had been given to him and when he was going for treatment, he died on the way.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that there is specific allegation against co-accused namely Mangal Singh who gave threatening to the



informant regarding the son of the informant namely, Ankit Singh and there is no specific allegation of any assault or overt-act is attributed against the petitioners and petitioners have no concern at all with the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 22.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the basis of material available on the record and case diary submits that it has come during investigation that in para-31 of the case diary the statement of the sister of the victim she has categorically stated that the victim has informed her that the co-accused persons had administered poison and F.S.L. report also confirms that the cause of death due to poison, which is quoted herein below:

RESULT OF EXAMINATION

‘ALUMINIUM PHOSPHIDE’ was detected in the contents of the eight plastic jars as described above.

Aluminium Phosphide is commercially known as ‘CELPHOS’ is a severe gastro intestinal irritant. It is used as a grain preservative and is highly poisonous.”



Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sri G. Dutta Siromani Judicial Magistrate 1st, Madhubani in connection with Khajauli P.S. Case No. 42 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. 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)

mdrashid/-

U		T	
---	--	---	--

