

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47694 of 2023

Arising Out of PS. Case No.-15 Year-2021 Thana- DANDARI District- Begusarai

Rajesh Mahton @ Rajesh Kumar Mahto @ Rajesh Kumar @ Lucho Mohto @
Lucho Mahto Son of Late Barelal Mahton Village Rajopur P S Dandari
District Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-09-2023 Heard Ld. counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S.T No. 611 of 2021 arising out of Dandari P.S. Case No. 15 of 2021, registered for the offences punishable under Sections 376, 302, 34 of the Indian Penal Code and 27 of the Arms Act.

3. The prosecution case as emerges from the FIR is that the informant's daughter/deceased went out to attend nature's call but she did not return. On search, she was found dead.

4. Ld. counsel for the petitioner submits that the petitioner had moved this Court earlier for regular bail vide Cr. Misc. No. 2486 of 2022, which was rejected with an observation that if the trial is not concluded within six months, the petitioner is at



liberty to renew his prayer for bail. He further submits that since the trial has not been concluded in the stipulated time, the petitioner, vide present application, has renewed his prayer for bail.

5. In support of his petition, he has filed a copy of the order-sheet of the Trial Court, which shows that the trial has not yet been concluded and it is still at the stage of examination of the prosecution witnesses.

6. Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded, **this application is allowed**, directing the petitioner, above named, to be enlarged on bail on his furnishing bail bond in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court Below/Trial Court in connection with Dandari P.S. Case No. 15 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding the previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

7. Ld. Counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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