

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54627 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- BAJPATTI District- Sitamarhi

DEVENDRA MAHTO @ DEVENDRA MAHATO Son of Late Niras Mahto
Resident of village - Bangaon, P.S.- Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bajpatti P.S. Case No. 133 of 2022 registered for the offences
punishable under Section 302 read with Section 34 of the Indian
Penal Code.

As per prosecution case, in the first part of FIR, it
is alleged that co-accused persons assaulted the informant,
informant's mother and other relatives. In the later portion of the
FIR, it is alleged that petitioner and others threatened the
informant and there is allegation of doing reki and giving
information to co-accused Omprakash regarding arrival and
departure of informant to Sitamarhi.

Learned counsel for the petitioner submits that



except complicity of threatening and reki, there is no allegation of assault against the present petitioner. Allegation of assault is against co-accused persons. He further submits that postmortem report of the deceased indicates that death was due to sudden cardiac arrest leading to CR failure on account of chronic illness of heart disease. He further submits that allegation is typically vague and the same is not specific against the present petitioner. Petitioner is in custody since 17.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that petitioner has also participated in the alleged occurrence.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi in connection with Bajpatti P.S. Case No. 133 of 2022, 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)

shahzad/-

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

