

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63878 of 2022

Arising Out of PS. Case No.-81 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

-
1. Maheshwar Mahto S/O Kailu Mahto R/V- Jeettpur- Samsa, P.S.- Naokothi,
District- Begusarai
 2. Madho Mahto S/O Kailu Mahto R/V- Jeettpur- Samsa, P.S.- Naokothi,
District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Adv.
	:	Mr. Vinit Kumar, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar No. 3, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Naokothi P.S. Case No. 81 of 2019 registered for the offences punishable under Sections 364, 341, 342, 323, 307/34 of the Indian Penal Code.

As per the prosecution, the informant's nephew was kidnapped by these petitioners along with five other co-accused persons when her nephew was returning home at midnight. It is



further alleged that these miscreants have threatened and demanded rupees five lac on earlier occasions on phone. Further, it is alleged that blood stained shirt and scarf have been found and on that basis it is presumed that the informant's nephew might have been killed.

The main submissions advanced by learned counsel Mr. Shubhesh Pandey appearing for the petitioners are that the petitioner No. 2 has fair and clean antecedent and the petitioner No.1 is accused in two other cases lodged under Excise Act and Arms Act and in the FIR, the informant only raised suspicion against the petitioners and other co-accused persons but none including the informant claimed to have seen the petitioners committing the alleged occurrence and co-accused namely, Vijay Rajak has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.08.2022 passed in Cr. Misc. No. 38033/2021 and co-accused person namely Deepak Kumar @ Dipak Mahto, has been granted regular bail by a co-ordinate Bench of this Court vide order dated 02.11.2021 passed in Cr. Misc. No. 18678/2021 and co-accused persons namely Rupesh Mandal @ Rupesh Mahto and Ghuran Tanti have been granted regular bail by another Bench of this Court vide order dated 20.07.2022 passed Cr. Misc. No. 19373/2022 and the case



of both the petitioners stands on similar footing as to the said co-accused persons as per the allegation made in the FIR. Further submission is that the petitioners are dragged in this case due to enmity and the victim himself is accused in several criminal cases and there are two rivalry groups in the victim's village and the victim was a part of one of the groups and in the FIR there is no any specific allegation against the petitioners.

Learned APP Mr. Binod Kumar No. 3 appearing for the State has opposed the bail prayer.

Considering the facts and circumstances of this case and mainly the facts as stated above and the privilege of bail to the co-accused persons named-above having been granted by different Benches of this Court, in my opinion both the petitioners deserve to the privilege of bail. Accordingly, let both the petitioners named-above be enlarged 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 Court concerned in connection with Naikothi P.S. Case No. 81 of 2019.

(Shailendra Singh, J)

annu/-

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

