

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1631 of 2023**

Arising Out of PS. Case No.-494 Year-2017 Thana- PATNA COMPLAINT CASE District-  
Patna

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Brahmdeo Mahto Son of Late Govind Mahto Resident of Village -  
Narayanpur, P.S.- Ghoshwari, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ritlal Mahto Son of Brahmdeo Mahto R/o Village - Narayanpur, P.S.-  
Ghoshwari, District - Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      26-04-2023                      Heard Mr. Manoj Kumar Pandey, learned counsel for  
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Complaint Case No. 494(C) of 2017, registered  
for the offences punishable under Sections 328, 120-B of the  
Indian Penal Code.

A complaint has been filed, alleging therein that in  
order to kill the complainant, at the instance of the parents of the  
complainant, Celphos like substance has been mixed in his food.

Learned counsel appearing on behalf of the petitioner  
submits that the complainant is non else, but the son of the  
petitioner and with regard to the occurrence which took place in



04.08.2017, the complaint has been filed on 10.08.2017. Apart from the fact that neither the food in which allegedly Celphos has been mixed has been scientifically tested nor anyone has sustained any injury. He further submits that the complainant himself admitted that there is a dispute with regard to the partition among the family members. He next submits that the petitioner having fair antecedent, is in custody since 25.09.2022. Now, the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioner is father of the complainant and there is no other material suggesting the complicity of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Barh, district Patna, in connection with Complaint Case No. 494(C) of 2017, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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