

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.456 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- DAUDPUR District- Saran

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AMIT KUMAR MAHTO @ AMIT MAHTO Son of Tarkeshwar Mahto
Resident of village - Bagoian, P.S. - Daudpur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
10.04.2022 in a case being Daudpur P.S. Case No. 107 of 2022
dated 08.04.2022 registered for the offence under Sections 302,
201/34 of the Indian Penal Code.

According to the prosecution, dead body of the son of
the informant was found in the Diyar of village Manshat. It is
alleged that the petitioner along with others have taken away the
son of the informant and killed him.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and has
falsely been implicated in this case. He further submits informant
is not the eye witness to the alleged occurrence and merely on the



basis of suspicion, the petitioner has been made accused in this case. He further submits that it appears from the F.I.R. that the deceased is one of the witness of the F.I.R. and the F.I.R. has been instituted on 08.04.2022 at 10:10 P.M. whereas the postmortem of the deceased has been commenced on 08.04.2022 at 2:25 P.M. This itself goes to show that the F.I.R. has been registered after the postmortem along with the signature of the deceased as witness which creates strong suspicion upon the prosecution version. He further submits that there is no independent witness of the alleged occurrence rather the family members of the deceased are witnesses in the present case. He further submits that save and except suspicion, no cogent material has surfaced against the petitioner during course of investigation. He further submits that co-accused, namely, Sanny Kumar @ Chhotu has been granted bail by this Court vide order dated 03.04.2023 passed in Cr. Misc. No. 65305/2022 and the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of Sri Vivek Kumar Upadhy,
J.M., Saran at Chapra in connection with Daudpur P.S. Case No.
107 of 2022 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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