

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71651 of 2022**

Arising Out of PS. Case No.-248 Year-2021 Thana- LAUKAHA District- Madhubani

BIBHESH KUMAR MAHTO @ BIBHASH KUMAR MAHTO Son of Fakir  
Mahto Resident of Village- Hingua, P.S.- Laukaha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      04-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the  
offence punishable under Sections 302/34 of the Indian Penal  
Code.

According to prosecution case, the petitioner along  
with other co-accused persons are said to have committed  
murder of the deceased by strangulating him and his dead body  
was hanged on a tree.

Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has falsely been  
implicated in the present case only on the ground that the  
petitioner is brother-in-law of the deceased. He further submits  
that the petitioner is living far away from the place of



occurrence and save and except the allegation that the petitioner has illicit relation with the wife of the deceased, no other cogent material has come during investigation against the petitioner. He further submits that there is no eyewitness of the alleged occurrence and co-accused persons namely, Mahendra Mahto and Murti Devi, who are father-in-law and wife of the deceased respectively have been granted bail vide order dated 19.10.2022 passed in Cr. Misc. No. 23395 of 2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.05.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Laukaha P.S. Case No. 248/2021, subject to 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 absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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