

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3386 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- RAMNAGAR District- West Champaran

Rajkishore Mahto Son Of Duryodhan Mahto R/O Village- Sonkhar, P.S.-
Ramnagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Navnit Kumar, Advocate
For the Opposite Party/s :	Mr. Anil Kumar, APP
For the Informant :	Mr. Avinash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
29.09.2022 in connection with Ramnagar P.S. Case No. 189 of
2022, F.I.R. dated 04.05.2022 for the offences punishable under
Sections 363, 365, 302, 201 and 120(B) of the Indian Penal
Code.

According to prosecution case, the husband of the
informant received a phone call from one Ashok Yadav to solve



the dispute of land. It is further alleged that the husband of the informant went there and since then he was missing.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Mahfuz Ansari and except the confessional statement of the co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Siri Mushar @ Shre Mushahar whose name has also come during investigation on the confessional statement of the co-accused person, namely, Mahfuz Ansari has been granted bail by a co-ordinate Bench of this Court vide order dated 27.03.2023 passed in Cr. Misc. No. 66310 of 2022. He further submits that the case of the petitioner is on the similar footing. The petitioner is in custody since 29.09.2022.

The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the bail application of the co-accused person, namely, Mahfuz Anasri has been rejected by the Co-ordinate Bench of this Court vide order dated 20.03.2022 passed in Cr. Misc. No. 56335 of 2022.

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 Sub Divisional Judicial Magistrate, Bagaha, West Champaran, Bettiah in connection with Ramnagar P.S. Case No. 189 of 2022, 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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