

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5609 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- SONBERSA District- Sitamarhi

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Raj Kumar Mahto @Raj Kumar SON OF SHRI KISHORI MAHTO
RESIDENT OF VILLAGE- GRAM MADHESRA, BHUTAHI,
SITAMARHI,

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viraj Kadam, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

2. The petitioner apprehends his arrest in connection with Sonbarsa P.S. Case No. 294 of 2023 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 23.09.2023 by the informant, Usha Devi.

3. As per the prosecution story, the complainant alleged that Ritik Kumar and Subhash Jha came to her place and wanted her son, Muskan Kumar to accompany them. Upon enquiry, it was stated by them that this petitioner who is father of Ritik Kumar has called him. Though the lady did not wanted him to go, her son went away with them and later in the morning, it was informed that he is dead. Accordingly, she



alleged that beside Ritik Kumar and Shubash Jha, this petitioner also has a role in killing her son. Accordingly, the FIR.

4. It is submitted by the learned counsel for the petitioner that a bare perusal of the prosecution story would show that Ritik Kumar and Shubash Jha took away the lady's son (since dead), the only allegation has come that upon enquiry, the accused stated that this petitioner has called him. According to him, this cannot be a ground to implicate the petitioner as if the two accused wanted to take him, false narration can also be made, even if the FIR, allegation is to be accepted. He though concede that the petitioner has criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has been named in the FIR, as he is the person who called the deceased. Further, he also has criminal antecedent.

6. Though, it is the fact that the petitioner has criminal antecedent, the main allegation is against Ritik Kumar and Shubash Jha of taking away the victim and subsequently dead body was found and there is nothing on record to show the implication of the petitioner.

7. Considering the aforesaid circumstances, let the



petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 294 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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