

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7157 of 2024**

Arising Out of PS. Case No.-427 Year-2023 Thana- CHANPATIA District- West Champaran

Krishna Mahto son of Ganga Mahto Village- Gajrwa Bazar, Dagahi Tamliya  
tola Ps- Bairiya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

4      08-05-2024      Heard Mr. Sarvesh Kashyap, learned counsel for the  
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chanpatiya P.S. Case No. 427 of 2023 registered under Sections 302, 201 and 120(B) of the Indian Penal Code lodged on 07.07.2023 by the informant, Misri Mahto.

3. As per the prosecution story, the informant alleged that on information that the dead body of his son is lying on the railway track near Bankat village with sign of injury, he went there and saw the dead body. Further allegation is that his neighbour, Krishna Mahto (petitioner herein) had taken him to Chanpatia and as they had land dispute with him, he has firm belief that the son has been killed by him. Accordingly, the FIR

4. In this case, a co-ordinate Bench of this Court had



called for the case diary on 17.02.2024 and the same is on record.

5. This Court has gone through the paragraph-16 of the case diary, the police has recorded the statement of one Firoz Alam, an independent witness and according to him on 06.07.2023 in the night, they saw a person in inebriated stage, was not in a condition to move, save and except that he belongs to Baria. Upon calling a number from his mobile (80849xxxxx) the other side found to be his wife' who requested them to drop him near the in-laws house of Ajay Mahto. Thereafter, they requested one Afzal to take him on his motorcycle to the said place.

6. In paragraph-40, the police has recorded the direction of the Superintendent of Police, West Champaran according to which, the police was directed to check the credentials of Krishna Mahto as also his relative Golu Mahto and Ajay Mahto as there is a statement that he was taken to in-laws house of Ajay Mahto.

7. This Court has further gone through the different paragraphs of the case diary. It seems that the Investigating Officer after incorporating the direction of the S.P. did nothing *inasmuch* as none of the said direction has been followed and



is/are recorded in the present case diary which concludes at paragraph-56.

**8.** Learned counsel for the petitioner submits that only because of land dispute between them, he has been implicated. Further, he do not have criminal antecedent and is ready to abide by all the terms and conditions and will be diligently appearing in the Trial.

**9.** Learned APP though opposes the prayer but has failed to assist the Court.

**10.** In the given facts and circumstance and taking into account the statement of the independent witness as also the fact that according to him, the lady/wife of the deceased had last talked with her husband and further made request to drop him to the in-laws house of Ajay Mahato, FIR lodged, investigation continuing, the petitioner will have to face the music, if cognizance is taken against him, this Court is inclined to grant him to extend the privilege of the anticipatory bail.

**11.** 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 Chief Judicial



Magistrate, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 427 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/relatives 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 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;

(iv) 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.

**12.** The Superintendent of Police, West Champaran, Bettiah should take cognizance of the matter that the directions given by him vide letter no. 3408 dated 27.10.2023 has not been followed till paragraph-56, which has been recorded on 15.03.2024.



13. Let a copy of this order be communicated to the Senior Superintendent of Police, West Champaran, Bettiah for his perusal and needful.

(Rajiv Roy, J)

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