

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23101 of 2024

Arising Out of PS. Case No.-41 Year-2021 Thana- JANTA BAZAR District- Saran

Sanoj Mahto @ Sanoj Prasad Son Of Hira Lal Prasad Resident Of Village -
Piparahiya, Police Station - Isuapur, Distt- Saran At Chapra At Present
Resident Of Village- Bashi, Ps- Janta Bazar, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Md Anis Akhtar, learned counsel for the
petitioner and Mr. Anuj Kumar Shrivastava, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Janta Bazar P.S. Case No. 41 of 2021, F.I.R.
dated 23.02.2021 for the offences punishable under Sections
302, 201/34, 120(B) of the Indian Penal Code.

3. According to prosecution case, the co-accused
persons murdered the son of the informant owing to his love
affair with the co-accused, Manisha Kumari and they made this
appear as a suicide.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that the
petitioner is the father of the co-accused, namely, Manisha



Kumari and the said Manisha Kumari was in love with the son of the informant. He further submits that except suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that from perusal of the complaint petition it appears that the date of occurrence is 02.08.2020 but the complaint petition has been instituted on 29.08.2020 i.e. after delay of 27 days without giving any explanation of the said delay. He further submits that the son of the informant was in love with Manisha Kumari who happens to be the daughter of the petitioner. He further submits that the co-accused, namely, Manisha Kumari has been granted anticipatory bail by this Hon'ble Court vide order dated 29.02.2024 passed in Cr. Misc. No. 64455 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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



Chief Judicial Magistrate, Chapra, District- Saran in connection with Janta Bazar P.S. Case No. 41 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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