

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24025 of 2024

Arising Out of PS. Case No.-759 Year-2022 Thana- MADHAURAH District- Saran

Rinku Mahto son of Rambalak Mahto @ Ramekbal Mahto Resident of
Village- Bhawalpur, Police Station- Marhowrah, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Sanjay Kumar Jha, learned counsel for
the petitioner and Mr. Zainul Abedin, learned A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No. 357 of 2023 arising out of Madhaurah P.S. Case No.759 of
2022, FIR dated 04.12.2022 for the offences punishable under
Section 302 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 25.07.2023 passed in Cr. Misc. No.
27111 of 2023.

4. Learned counsel for the petitioner submits that
the 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 FIR, name of the petitioner has
transpired during the investigation on the basis of the self



confessional statement of the petitioner. He further submits that till date recovered ornaments were not put on T.I.P and no one has claimed that seized ornaments were of the deceased apart from that out of twelve charge-sheeted witnesses only three witnesses have been examined.

5. Vide order dated 27.03.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 27.04.2024 reveals that out of twelve witnesses, four witnesses have been examined and eight prosecution witnesses are yet to be examined.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.12.2022.

7. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case, period of custody as well as the report of the trial Court, let the, above named, petitioner 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 learned XI Additional Sessions Judge, Saran at Chhapra in connection with S.T. No. 357 of 2023 arising out of Madhaurah P.S. Case No. 759 of 2022



with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

ajay/-

U		T	
---	--	---	--

