

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32035 of 2024

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

Prakash Mahto Son Of Nagendar Mahto Resident Of Village - Basahee, P.S. -
Janta Bazar, District - Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-09-2024 Heard Mr. Pramod Kumar Singh, learned counsel for
the petitioner and Mrs. Pushpa Sinha-1, learned APP 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 registered for the offences punishable under Sections
302, 201, 34 and 120B of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with co-accused Manisha Kumari with other accused persons
brutally assaulted Niraj Kumar and pressed the neck due to
which he died and hanging the dead body of the deceased on the
tree.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner has been made accused in the case merely on the ground that the petitioner is brother of co-accused Manisha Kumari who happens to be the lover of deceased and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no material on record to suggest that the petitioner is involved in the present crime in question, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra 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 :-

(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 witness, 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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