

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26688 of 2024**

Arising Out of PS. Case No.-142 Year-2021 Thana- PALANWA District- East Champaran

Bipin Mahto @ Bipin Kumar Son of Ambika Mahto @ Ambika Kushwaha  
Resident of Village- Dhanhar Dihuli, Police Station- Ramgarhwa, District-  
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr.Madhurendra Kumar, Advocate. |
| For the Opposite Party/s | : | Mr.Jharkhandi Upadhyay, APP.    |
| For the Informant        | : | Mr. Sagar Kumar, Advocate.      |
|                          |   | Mr. Hemant Ray, Advocate.       |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      13-09-2024                      Heard Mr. Madhurendra Kumar, learned counsel  
appearing on behalf of the petitioner; Mr. Jharkhandi Upadhyay,  
learned APP for the State and Mr. Sagar Kumar, learned counsel  
along with Mr. Hemant Ray, learned counsel for the informant.

2. The petitioner seeks bail in connection with  
Palanwa P.S. Case No. 142 of 2021 registered under Sections  
302 and 120-B of the Indian Penal Code and Section 27 of the  
Arms Act.

3. Prosecution story in brief is that the deceased Kapil  
Dev Prasad had given dying declaration in which he has named  
Madhu Yadav and Dinesh Mahaseth, who have fired upon him  
and one Chandan @ Bajrangi. Both of them succumbed to



injury. Post-mortem report reveals that two injuries have been found on the body of Kapil Dev Prasad and two injuries have been found on the body of Chandan @ Bajrangi.

4. Learned counsel appearing on behalf of the petitioner submits that so far as the present petitioner is concerned, he is not named in the FIR and this is one of the cases in which the deceased, in his dying declaration, has specifically named two accused persons Madhu Yadav and Dinesh Mahaseth, who have assaulted him as well as one Chandan @ Bajrangi. That apart, nothing has surfaced in course of investigation against the petitioner. Petitioner is in custody since 31.01.2024. Similarly situated co-accused namely Mannu Kumar and Chunnu Singh have been enlarged on bail by this Court vide order dated 06.04.2022 passed in Cr. Misc. No. 1291 of 2022 and Cr. Misc. No. 3089 of 2022.

5. Mr. Sagar Kumar, learned counsel along with Mr. Hemant Ray, learned counsel appearing on behalf of the informant and Learned APP for the State have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the specific submission made against co-accused Madhu Yadav and Dinesh Mahaseth by the deceased in his dying declaration and the fact that the petitioner is not



named in the FIR and in course of investigation only minuscule evidence has been gathered against the petitioner and similarly situated co-accused have been granted bail, *prima facie* the petitioner has made out a case to be enlarged on bail.

7. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Raxaul, East Champaran, Motihari or the court where the case is pending in connection with Palanwa P.S. Case No. 142 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.



**(v) The petitioner will make his attendance before the concerned police station under which his house is located once in a month till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.**

8. The bail application stands disposed of.

**(Purnendu Singh, J)**

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