

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28181 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Pandev Kumar Mahto S/o- Late Jagdish Mahto R/o Vill- Bagha, Ward No- 24,
P.S- Nagar (Lohiyanagar O.P.) Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 18-10-2024 Heard Mr. Amar Kumar Singh, learned counsel for the
petitioner and Mr, Shantanu Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
01.12.2023 in connection with Town P.S. Case No. 746 of 2023,
F.I.R. dated 29.11.2023 registered for the offence punishable
under Sections 363, 365, 34 of the Indian Penal Code and later
on added sections 302, 201, 120(B) of the I.P.C.

3. As per prosecution case, two accused persons along
with the petitioner have taken the informant's son with them but
on 30.11.2023, the dead body of the informant's son was
recovered from PCC road, Lohiyanagar near Railway station.

4. Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case.
Further submits that the allegation as alleged in the FIR is false
and fabricated and the petitioner has not committed any offence



as alleged in the FIR. Further submits that the informant is not the eye witnesses of the alleged occurrence and merely on the basis of suspicion, the petitioner has been implicated in the present case and co-accused person, namely, Rahul Kumar against whom the similar allegation, has been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 46755 of 2024 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 01.12.2023.

5. Learned APP for the State, on the other hand, on the basis of material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of CDR location of the mobile of the petitioner, it has come during investigation that the petitioner was in regular touch with the victim/deceased and apart from that, a number of witnesses have seen the petitioner along with the deceased and the petitioner carries one more case other than the present one but he fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, 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 Chief Judicial Magistrate,



Begusarai in connection with Town P.S. Case No. 746 of 2023,
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 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)

Nitesh/Aman

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