

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41026 of 2024

Arising Out of PS. Case No.-1310 Year-2023 Thana- KHAGARIA District- Khagaria

Pintu Mahto S/o Ram Prakash Mahto R/o Balghatta, P.S. - Gangaur
(Gangour), Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Santosh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Mr. Arjun Prasad, learned counsel for the petitioner, Mr. Santosh Kumar Singh, learned counsel appearing on behalf of the informant as well as Mr. Pranav Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 23.01.2024 in connection with Khagaria (Gangaur) P.S. Case No. 1310 of 2023, F.I.R. dated 26.12.2023 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, the co-accused, Pramod Mahato with the help of the petitioner and other accused persons killed the daughter of the informant by strangulating her.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the informant is not the eye witness of the alleged occurrence and the petitioner has been made accused in the present case only on the basis of suspicion and except suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the petitioner is nephew of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.01.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 1310 of 2023, subject to 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 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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