

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43045 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- DAUDNAGAR District- Aurangabad

1. SUDHANSU S/O AWADH MAHTO R/O Village- Hichchhan Bighha, P.S- Daudnagar, Distt.- Aurangabad.
2. Vinay Kumar S/O Paras Mahto R/O Village- Hichchhan Bighha, P.S- Daudnagar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 19-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Daudnagar P.S. Case No. 223 of 2023, dated 14.04.2023, registered for the offences punishable 302, 120b/34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant's husband got married her elder son against will of the informant and due to which she use to make protest for such act and in year 1995 her husband won the election of State assembly and also developed illicit relation with another lady and due to which the informant as well as her son use to protest for such act of his father. Further on 14.04.2023 a call was come on the mobile of the informant but she could not talked to her son and



thereafter the informant went to the field, where her son was irrigating the field and saw that her son was lying in the field and also saw a wound at right side of thigh and thereafter the informant called the police and it is further alleged that the informant has suspicion that her husband Ravindra Kumar Singh has made a conspiracy and with the help of Vinay Kumar, Sudhanshu, Raushan@ Bamard, Ravi Kumar and Satyendra Mahto and other unknown person have shot her son to death.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have clean antecedent mentioned in para 3 of the bail petition. Learned counsel further submits that there was some family dispute, partition suit is going on for which a Partition Suit No. 153/2010 is pending before learned court below and the informant is not the eye witness of the alleged occurrence. Similarly situated co-accused has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 17.10.2023 passed in Cr. Misc. No. 41560/2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the nature of allegations against the petitioners,



let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad in connection with Daudnagar P.S. Case No. 223 of 2023,, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

- (i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds are liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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