

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48177 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- BASANTPUR District- Siwan

Anuj Kumar, S/o Kameshwar Mahto, R/o vill - Kanhauli, P.S. - Basantpur,
Distt - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP
For the Informant/s : Mr. Devendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard Mr. Ramchandra Sahni, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State. The informant appears through Mr. Devendra Kumar,

learned counsel.

2. The petitioner seeks regular bail, who is in custody

in connection with Basantpur P.S. Case No. 116 of 2024

registered for the offence punishable under Section 302/34 of

the Indian Penal Code.

3. Based upon the written report, the prosecution

alleges that while the informant was in his house, he received an

information from his younger son Sundar Kumar Mahto that the

petitioner gave him information by making a call on his mobile

that his elder brother Upendra Mahto has seriously ill and asked



to come to the hospital. On getting information, the informant along with his younger son reached there and found his son Upendra Mahto lying on bed. On noticing the informant, the petitioner fled away from there and became traceless, in the meantime, the injured Upendra Mahto, who was referred to the Sadar Hospital, succumbed to his injuries.

4. Learned counsel for the petitioner contended that the narratives made in the FIR clearly suggests that the entire case is based on suspicion only on account of abnormal conducted of the petitioner, as after noticing the informant he fled away from the hospital. There is no eyewitness to the alleged occurrence nor any material has come during the course of investigation, which suggests that it is the petitioner who was instrumental in causing the death of the son of the informant. Barring this, there is no material. Moreover, the petitioner bears fair antecedent and now he has been incarcerated since 14.03.2024.

5. On the other hand, learned counsel for the State and learned counsel for the informant opposed the bail application and submitted that the son of the informant was done to death by causing assault by means of hard and blunt substance. The conduct of the petitioner clearly suggests his involvement in the



present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based upon suspicion and there is no other material collected during the course of investigation, coupled with the fair antecedent of the petitioner and completion of the investigation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Basantpur P.S. Case No. 116 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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