

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53017 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Ram Chandra Mahto Son Of Late Raghunandan Mahto Resident of village
-Jitwarpur Chouth, P.S. -Samastipur Muffasil, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s : Mr. Satendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Samastipur Muffasil P.S. Case No. 109 of
2024, registered for the offence punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. Based on a written report, the prosecution alleges
that the informant and his family member was having dispute
with co-villager Laxman Rai and on many occasions, he had
given threat to kill his family. It is further alleged that the co-
accused Laxman Rai had been in custody in previous cases of
murder and loot and recently about 1½ month, he came out of



jail. Both the co-accused Laxman Rai and Ritesh Kumar had demanded a tractor from his father and upon refusal, the accused person had threatened to face the consequences. On 15.03.2024, while the father of the informant was sleeping, in the meanwhile, some persons came there and shot him dead.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against co-accused Laxman Rai and Ritesh Kumar. However, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Prince Kumar and Sumit Kumar @ Mahakal. In the confessional statement, it has come that the petitioner had given Rs. 1,50,000/- to one Sonu Kumar to give it to the assailants. Save and except the confession about giving the money to the assailants after the occurrence, there is no material suggesting the involvement of the petitioner in crime. Moreover, the confession before the police is hit by Sections 25/26 of the Indian Evidence Act, 1872 is the contention of the learned Advocate for the petitioner. The reason behind the false implication of the petitioner has been fully described in paragraph no. 12 of the bail application, as earlier on three occasions, the petitioner had instituted criminal case against one Md. Naushad and his associates, with whom he is having land



dispute and the said Md. Naushad and the assailants are members of one gang and on the instigation made by Md. Naushad, the name of the petitioner has been disclosed by co-accused persons.

5. Learned Advocate for the petitioner also submitted that this petitioner is aged about 72 years and now he is suffering from various ailments. Taking note of the serious condition, the Superintendent of Divisional Jail, Samastipur vide letter no. 3903 dated 25.06.2024 recommended for his treatment in Indira Gandhi Institute of Cardiology, Patna. It is lastly contended that now the investigation of the crime is complete and the charge-sheet has been submitted.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submitted that the petitioner is the person, who had given Rs. 1,50,000/- to co-accused Sonu Kumar, after the commission of the crime and, as such, the complicity of the petitioner in eliminating the deceased cannot be ruled out. It is also contended that the petitioner bears one criminal antecedent, as has been disclosed in paragraph no. 3 of the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case



against the petitioner is based upon confessional statement and there is no cogent material suggesting the factum of transfer of money, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted and the petitioner is a septuagenarian, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 109 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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