

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56264 of 2024

Arising Out of PS. Case No.-159 Year-2021 Thana- SALAKHUA District- Saharsa

Anandi Mahto son of Makhsudan Mahto Village -Chanan P.S- Salkhua
(Chiraiya O.P) District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-10-2024 Heard Mr. Krishna Prasad Singh, learned Senior
counsel for the petitioner and Mr. Pranav Kumar, learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
12.04.2023, in connection with Sessions Trial Case No. 191 of
2024 arising out of Salkhua (Chairaya O.P.) P.S. Case No. 159
of 2021, F.I.R. dated 29.08.2021 registered for the offences
punishable under Sections 302, 341, 323, 504, 506, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 19.09.2023 passed in Cr. Misc. No.
48139 of 2023.

4. Learned Senior counsel for the petitioner submits
that the petitioner is innocent and he has been falsely implicated



in the present case. He further submits that as per allegation in the F.I.R. the petitioner has fired upon the informant's husband and he has died and further alleged in the F.I.R. that co-accused also fired which hit the hand of the informant but there is no injury report of the informant on record which suggests that she has received any injury in the present occurrence and apart from that from perusal of the F.I.R. it appears that the F.I.R. was instituted on 29.08.2021 at about 6:45 P.M. and before lodging the F.I.R. the postmortem was conducted on 28.08.2021 itself at about 01:30 P.M. which suggests that the F.I.R. was instituted afterthought only to falsely implicate the petitioner. The petitioner is in custody since 12.04.2023.

5. Vide order dated 02.08.2024, a report was called for with regard to the stage of the trial. Report dated 13.08.2024 of the learned Trial Court reveals that out of six chargesheeted witnesses, prosecution has not examined any witness as yet.

6. Learned Senior counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not concluded in near future and the petitioner is in custody since 12.04.2023.

7. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner and submits that earlier bail petition of the petitioner was rejected by this Court and apart from that it appears from the F.I.R. itself that there is direct and specific allegation against the petitioner but fairly submits that the F.I.R. was instituted after the postmortem conducted. He further submits that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of three cases the petitioner is on bail in two cases.

8. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Saharsa in connection with Sessions Trial Case No. 191 of 2024 arising out of Salkhua (Chairaya O.P.) P.S. Case No. 159 of 2021, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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