

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62213 of 2024

Arising Out of PS. Case No.-369 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Ramesh Mahto, S/o- Ramrup Mahto, R/o- Fulwar, P.S. Banjariya, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64450 of 2024

Arising Out of PS. Case No.-369 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Sudama Sahani @ Sudama Sahni, S/o- Lalbabu Sahani, Resident of village-
Raghunathpur, Ps- Raghunathpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62213 of 2024)

For the Petitioner/s	:	Mr. Patanjali Rishi, Advocate
		Ms. Perna Rishi, Advocate
For the State	:	Dr. Indihar Kumari, APP
For the O.P.	:	Mr. Ajay Thakur, Sr. Advocate
		Mr. Ritik Thakur, Advocate

(In CRIMINAL MISCELLANEOUS No. 64450 of 2024)

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Considering the fact that both the matters are arising
out of the same P.S., with the consent of the parties are being
heard together and disposed off by this common order.

2. Heard learned Advocate appearing on behalf of the



petitioners and the learned Additional Public Prosecutor for the State.

3. The application for grant of bail to the petitioners who are in custody in connection with Motihari Town P.S. Case No. 369 of 2024 registered for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

4. Based upon the written report the prosecution alleges that on 26.06.2024 while the informant and his elder brother, Suresh Prasad Yadav, went on his four wheeler and reached near a railway crossing, in the mean time, two unknown miscreants who were standing there, opened fire, due to which the informant's brother sustained gun shot injury. After causing fire arm injury, both the miscreants sat on one Apache motorcycle alongwith one pillion rider and fled away. The fire arm injuries sustained to the deceased proved fatal.

5. Learned Advocate appearing on behalf of the petitioners contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation the name of the petitioners sprung up on the confessional statement of co-accused persons; save and except the confessional statement, there is no other material suggesting



the involvement of the petitioner in the crime. It is further contended that during the course of investigation various other co-accused persons have been apprehended, but they have not disclosed the name of the petitioners in causing the murder of the deceased. So far the petitioner in Cr. Misc. No. 62213 of 2024 is concerned, the only material which has come during the course of investigation is that before the occurrence, the petitioner had conversation with one of the co-accused person, whose mobile was allegedly fallen at the place of occurrence in course of fleeing. So far the petitioner in Cr. Misc. No. 64450 of 2024 is concerned, during the course of investigation it has come that on the confessional statement of Harishankar Paswan, the weapon which is said to be used in the crime, has been recovered from the house of the petitioner. It is lastly contended that now the investigation of the crime is complete and the chargesheet has been submitted and, as such, there is no chance of tampering with the evidence or threatening the witnesses. The petitioners undertake that they will fully cooperate in the proceeding of the Court.

6. On the other hand, learned Additional Public Prosecutor for the State as well as the informant vehemently opposed the bail application and submits that apart from the



criminal antecedent of the petitioners as has been narrated in paragraph no. 3 of both the bail application, during the course of investigation ample material has come, suggesting the involvement of the petitioners. The arms which is said to have been used in the crime, has been recovered from the petitioner in Cr. Misc. No. 64450 of 2024 and the conversation with the shooters and the petitioner in Cr. Misc No. 62213 of 2024 just before the occurrence speaks loud about the petitioner's involvement in the crime.

7. Regard being had to the submissions made on behalf of the parties and considering the materials collected during the course of investigation apart from the criminal antecedent of the petitioner, this Court is not acceded to the prayer of the petitioners for the present, however this Court directs that the petitioners shall be released from the custody after framing of the charge in the afore-noted case on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 369 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.

8. Both the bail applications stands disposed off.

(Harish Kumar, J)

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