

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81701 of 2023

Arising Out of PS. Case No.-180 Year-2021 Thana- CHANDI District- Nalanda

MANTU KEWAT S/O RAM SHARAN KEWAT @ RAMASHARYA
KEWAT R/O VILLAGE- MOSIMPUR, P.S- CHANDI, DISTT.- NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 09-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Chandi P.S. Case No. 180 of 2021 and S.Tr. No. 626 of 2021 for the offence under Sections 302, 201 and 120(B) of the Indian Penal Code lodged on 12.05.2021 by the informant, Narsingh Yadav.

3. As per the prosecution story, the informant Narsingh Yadav took his son for lunch. However, his son did not return thereafter. Next day, he went for search and he came to know that the accused persons including the petitioner herein took away his son to the house of Baleshwar Choudhary where they had lunch and wine and some altercation also took place. Thereafter, it has been alleged that the accused persons threatened to kill him and later they killed his son which was



found in a garden at Jagatpur.

4. Earlier the case of the petitioner was heard and rejected on 12.04.2022 in Cr. Misc. No. 58660 of 2021.

5. Again, a fresh application was preferred by the petitioner and a report was called for on 12.01.2024 which has since been received vide Letter no. 07 dated 18.01.2024, and as per it, the charges have been framed on 16.12.2021 and two witnesses have been examined/cross-examined. Further bailable warrant has been issued on examining charge-sheet witnesses and the next date was fixed as 24.01.2024.

6. Learned counsel for the petitioner submits that it is a case of last seen, the petitioner was busy with the marriage in the family and fully on the basis of allegation he is in custody since last two years. Learned counsel for the petitioner further submits that he will diligently appear in the trial.

7. Learned counsel for the informant opposes the prayer for bail stating that the allegation against him is of killing the son of the informant.

8. Considering the submission put forward by the parties as also the fact that the petitioner has remained in custody since 12.05.2021 (paragraph 7 of the petition), he do not have criminal history, as per the report there is no likelihood



of the conclusion of the trial in near future, the petitioner undertakes to diligently appear in the trial, this Court is inclined to extend him privilege of bail with conditions;

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned court of ADJ-1st, Hilsa, Nalanda, in connection with Chandi P.S. Case No. 180 of 2021 and S.Tr. No. 626/2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month, till the conclusion of trial, to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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