

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.809 of 2025

Arising Out of PS. Case No.-1310 Year-2023 Thana- KHAGARIA District- Khagaria

1. Ram Prakash Mahto @ Ram Prakash Singh son of Late Raghuvir Mahto @ Raghuvir Singh village- Balghatta, ps- Khagaria (Gangaur), Dist- Khagaria
2. Kiran Devi Wife of Ram Prakash Mahto @ Ram Prakash Singh village- Balghatta, ps- Khagaria (Gangaur), Dist- Khagaria
3. Vijay Mahto @ Vijay Kumar Son of Ram Prakash Mahto @ Ram Prakash Singh village- Balghatta, ps- Khagaria (Gangaur), Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-02-2025 Heard Mr. Krishna Prabhat, learned counsel for the petitioners and Mr. Pawan Kumar Chaurasia, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Khagaria (Gangaur) P.S. Case No. 1310 of 2023 corresponding to G.R. No. 4504 of 2023, F.I.R. dated 26.12.2023 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the accused Pramod Mahato used to provoke the husband of informant's daughter to demand dowry from her. When the husband of the



daughter did not concede then Pramod Mahto with the help of the petitioner and other co-accused killed the daughter of the informant by strangulating her. The incident was allegedly witnessed by the grandson of the informant who informed the informant about the incident.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. itself that the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion informant furnished by Prince Kumar who is grandson of the informant, the informant has lodged the present F.I.R. against the petitioners.

5. Learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioners and submits that it has come during investigation in paragraph nos. 52, 53 and 54 of the main case diary that the petitioners have committed crime in question for grabbing the land of the deceased and it has also come in paragraph-4 of the



supplementary case diary that the petitioners have committed the crime in question and a number of witnesses have supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioners having clean antecedent as well as the informant is not an eye witness of the alleged occurrence and even no one has seen the occurrence, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Ganguar) P.S. Case No. 1310 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the



Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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