

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43749 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- RAMGARHWA District- East
Champaran

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1. Mahanand Mahto @ Mahanand Prasad Son Of Dinanath Prasad @ Chokat Mahto Resident Of Village - Tilkahani, P.S. - Ramgarhwa, District - East Champaran.
 2. Maohar Mahto @ Manohar Kumar Son Of Dinanath Prasad @ Chokat Mahto Resident Of Village - Tilkahani, P.S. - Ramgarhwa, District - East Champaran.
 3. Mukesh Mahto @ Mukesh Prasad Son Of Yadavlal Mahto @ Yadovlal Prasad Resident Of Village - Tilkahani, P.S. - Ramgarhwa, District - East Champaran.
 4. Sharma Mahato @ Sharma Prasad Son Of Yadavlal Mahto @ Jadovlal Prasad Resident Of Village - Tilkahani, P.S. - Ramgarhwa, District - East Champaran.
 5. Kishori Mahto @ Kishore Prasad Son Of Kailash Mahto Resident Of Village - Tilkahani, P.S. - Ramgarhwa, District - East Champaran.
 6. Hakindra Mahto @ Hakindra Prasad Son Of Kailash Mahto Resident Of Village - Tilkahani, P.S. - Ramgarhwa, District - East Champaran.
 7. Rakesh Mahto @ Rakesh Kumar Son Of Achhelal Mahto @ Achhelal Prasad Resident Of Village - Tilkahani, P.S. - Ramgarhwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arvind Kumar
For the Opposite Party/s :	Mr. Rana Randhir Singh
	Mr. Vijay Shankar Shrivastava
	Mr. Akash Raj
	Mr. Saurav Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 08-04-2025 Heard the learned counsel for the petitioner, learned
APP appearing for the State and the learned counsel for the O.P.
No. 02.

2. This is an application for quashing of the order



dated 18.12.2020 passed by the Additional Sessions Judge-VIIIth, East Champaran Motihari in Cr. Misc. No. 71 of 2020 by which the Court below has cancelled the bail of the petitioners.

3. By the impugned order dated 18.12.2020 the bail granted to the petitioners has been cancelled on the ground that offence under Section 307 of the Indian Penal Code was made out therefore the Magistrate has no power to grant bail.

4. Learned counsel for the petitioners has submitted that no offence under Section 307 of the Indian Penal Code was made out against the petitioners therefore the petitioners was rightly granted bail by the Court below.

5. Learned counsel for the O.P. No. 02 has opposed the application and has supported the impugned order.

6. I have considered the submission of the parties.

7. Bail was granted to the petitioners in the year 2020 and five years have lapsed. There is no complaint against the petitioners that they have tampered with the evidence or have threatened the O.P. No. 02.

8. No useful purpose will be served by sending the petitioners to jail and in these circumstances, this application is allowed.

9. Accordingly, the impugned dated 18.12.2020



passed by the Additional Sessions Judge-VIIIth, East Champaran
Motihari in Cr. Misc. No. 71 of 2020 is hereby quashed with a
direction that the Trial Court will expedite the trial and conclude
the same at the earliest.

(Sandeep Kumar, J)

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