

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70142 of 2024

Arising Out of PS. Case No.-318 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Ajay Mahto @ Ajay Kumar Mahto Son of Rambharosh Mahto, R/o village-
Dumra, P.S.- Kotwa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-01-2025 Heard Mr. Dhannjay Kumar II, the learned counsel

for the petitioner and Mr. Jharkhandi Upadhyay, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

23.04.2024, in connection with Motihari Town P.S. Case No.

318 of 2022, FIR dated 04.05.2022, registered for the offences

punishable under Sections 302, 120(B) and 34 of the Indian

Penal Code and under Section 27 of the Arms Act.

3. According to the prosecution case, the co-accused

persons opened fire upon informant's husband who was later

declared dead.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case. He



further submits that from perusal of the FIR, it is evident that there is direct and specific allegation of opening fire attributed against the co-accused person namely, Mantu Mishra @ Kunal Kishor Mishra. He further submits that in the entire FIR, the name of petitioner has not transpired and just at the bottom of the FIR, the informant has recorded that petitioner is also involved in the present crime in question and except the confessional statement of the co-accused person nothing has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 23.04.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedents other than the present one, but fairly submits on the basis of supplementary affidavit filed on behalf of the petitioner that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the fact that except the confessional statement of the co-accused person nothing has come during investigation which



suggests the involvement of the petitioner in the present crime in question, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran at Motihari, in connection with **Motihari Town P.S. Case No. 318 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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