

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68867 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Nago mahto @ Nagina Mahto @ Nago Son of Vimal Mahton @ Vimal Mahto
R/O Vill.- Nagdah, P.S.- Muffasil, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 70873 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Chandan Mahto @ Chandan Kumar son of Mungalal Mahto @ Mungalal
Mahton Village - Chhapki, Ps- Birpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 68867 of 2024)

For the Petitioner/s : Mrs. Namita Sharma, Advocate
Mr.Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

(In CRIMINAL MISCELLANEOUS No. 70873 of 2024)

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-01-2025 Heard the parties.

2. The petitioners are in judicial custody in connection
with Begusarai (Singhaul) Muffasil P.S. Case No. 98 of 2023
for the offence punishable under Sections 302/34 of the Indian
Penal Code and 27 of the Arms Act lodged on 20.02.2023 by



the informant, Usha Devi.

3. As per the prosecution story, the husband was returning after attending a negotiation, he was informed about firing having taken place. Gajendra and Surendra Mahto offered to accompany him to his house and when they arrived there, 4-5 unknown persons surrounded the husband of the informant, opened fire causing his immediate death. The informant had suspicion that the role of Gajendra Kumar as he was dealing with the land. Accordingly, the F.I.R.

4. Learned counsel for the petitioners in both the cases submit that their names have come in the confessional statement of Gajendra Kumar and as they have criminal antecedent, the Police implicated them in this case also.

5. So far as the petitioner Nago Mahto in Cr. Misc. No. 70873 of 2024 is concerned, he is in custody since 29.1.2024 whereas the petitioner Chandan Mahto is in custody since 28.05.2024, if granted bail, they shall be diligently appearing in trial. It is his further submission Gajendra Kumar on whose confession, they have been implicated, has been granted bail by a coordinate bench in Cr. Misc. No. 41925 of 2023.

6. Let the same be kept on record.



7. Learned APP on the other hand opposes the prayer submitting that both the petitioners specially the petitioner, Nago Mahto has multiple criminal antecedents, their names have come in the confessional statement of Gajendra Kumar.

8. Considering the submissions of the parties as also their period of custody, an undertaking has been given that they shall be diligently appearing in trial, the person (Gajendra Kumar) on whose confession, their names came in this case has since been granted bail, as stated above, in that background, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners 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 Judicial Magistrate, First Class, Begusarai, in connection with Begusarai (Singhaul) Muffasil P.S. Case No. 98 of 2023 subject to the following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

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

(Rajiv Roy, J)

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