

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87560 of 2024

Arising Out of PS. Case No.-105 Year-2013 Thana- BAKHARI District- Begusarai

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Bipin Mahton @ Bipin Kumar Singh @ Bipin Mahto Son of Rameshwar
Mahton @ Rameshwar Prasad Singh Resident of Village - Majnupur, P.S. -
Nawkothe, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Namita Sharma- Advocate
Mr. Anshu Dhar Sharma- Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-02-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 120(B)/ 34 of the
Indian Penal Code and Section 27 of the Arms Act.
3. The learned counsel for the petitioner submits that
the petitioner is in custody since 03.11.2024, he has antecedent
of one case and has been falsely implicated in the instant case
by the informant based on suspicion, when he is not an eye
witness to the occurrence as he alleges that on 23.05.2023 at
about 8.00 A.M., he got information that dead body of his son
Priyanshu Raj alias Rahul Kumar was lying in the Russontar
Chaur of Kharha field. Accordingly, the informant went to the



place of occurrence where he saw the dead body of his son with marks of 2-3 bullet injuries on chest and stomach, thus alleges based on suspicion that Kailash and his sister Swati assured Mukesh, Sunil and petitioner in connivance, committed the occurrence.

4. The learned counsel for the petitioner next submits that police after investigation submitted final form but the learned Magistrate differed with the police report and took cognizance and the petitioner thus was taken in judicial custody and is in custody since 03.11.2024. It is further submitted that when one investigating agency has found the petitioner innocent whether it would be prudent for this Court to keep the petitioner in jail based on an order of cognizance which came to be taken based on the same police report which had exonerated the petitioner of the allegation.

5. Learned A.P.P. Sri Chandra Bhushan Prasad submits that though it has been submitted that police during the course of investigation submitted final form exonerating the petitioner of the allegation as alleged in the FIR, but then, there is no pleading nor final form has been annexed in the bail application.

6. After hearing the learned counsel for the parties,



the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J. M., 1st Class, Begusarai in connection with Bakhri P. S. Case No. 105 of 2013.

7. The application stands allowed.

8. However, the learned trial Court before accepting the bail bonds of the petitioner shall verify that as to whether police submitted final form exonerating the petitioner of the allegations as alleged in the FIR and if it is found that final form was submitted in favour of the petitioner exonerating him of the allegation, in that event, the instant regular bail shall be given effect to, but if it is found that police after investigation has submitted charge-sheet against the petitioner finding the allegation to be true, in that event, the present regular bail order shall not be given effect to.

(Satyavrat Verma, J)

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