

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89144 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- SITAMARHI District- Sitamarhi

Vimal Mahto @ Vimal Kumar S/o- Vasudev Mahato @ Basudew Mahto
Village- Govind Phandah Panchhor Ps- Punaura Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 07-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 323 of 2023 dated 19.04.2023, instituted for the offence punishable under Sections 302, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the FIR named accused persons and three-four unidentified persons had taken away Raja Kumar (deceased), who is friend of the son of the informant, from the house of the informant to the house of Nishant Singh. It is further alleged that they have brutally assaulted the deceased at the door of the Nishant Singh causing serious injuries to him. Thereafter, the informant along with her son Mintu went to the house of the petitioner and found Raja



Kumar lying unconscious. Thereafter, the informant with assistance of her son took him to the hospital where the doctor declared him as dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is not named in the FIR and only on the basis of confessional statement of Arun Sah, the petitioner has been made accused in this case. It is stated in paragraph 120 of Case diary that earlier the deceased (Raja Kumar) had assaulted the petitioner in the tempo stand for the demand of extortion. It is next submitted that sister of the deceased filed Complaint Case No. 406 of 2023 on 24.04.2023 against the sons of informant, nephew of the informant as well as informant and others before the learned CJM, Sitamarhi. Petitioner was not made accused in complaint case filed by sister of the deceased. It is further submitted that similarly situated co-accused person namely, Arun Sah @ Arun Kumar has been granted bail *vide* order dated 07.03.2024 passed by a Co-ordinate Bench of this court in Criminal Miscellaneous No. 77238 of 2023. Lastly, it has been submitted that the petitioner is in custody since 04.09.2024, he has one criminal case against him and charge-sheet has been submitted in the case.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Sitamarhi P.S. Case No. 323 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

sankalp/-

U		T	
---	--	---	--

