

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2817 of 2025**

Arising Out of PS. Case No.-236 Year-2024 Thana- HARNAUT District- Nalanda

Jitendra Mahto @ Jitendra Kumar S/o Kappu Mahto R/o Village- Rupaspur,
P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bakshi Sinha, Sr. Adv
		Mr. Ramendra Kumar Bharti, Adv
For the Informant	:	Mr. Pankaj Kumar, Adv
For the State	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 14-05-2025 Heard learned Senior Counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P for

the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Harnaut P.S. Case No.
236 of 2024 registered for the offences punishable u/s 302, 201,
120(b) 363 and 365 read with Section 34 of the I.P.C.

3. As per the prosecution case, the informant gave a
report that two named accused persons, namely, Vijay Kumar
and Solah Sau were eating momos along with his younger
brother, Bhola Kumar and subsequent thereto the informant's



brother did not return, hence, the informant raised suspicion that the said named two accused persons had kidnapped his brother.

4. Learned Senior Counsel for the petitioner has submitted that the petitioner is not named in the FIR and his name have transpired in this case on the confessional statement of the co-accused Pawan Kumar and Solah Sau @ Vikram Kumar. It is further submitted that during the course of the investigation, nothing has come to suggest the motive for which the petitioner would have directed the other co-accused persons to have killed the informant's son. It is next submitted that no incriminating material was recovered from the possession of the petitioner. It is lastly submitted that the petitioner has clean criminal antecedent and is in custody since 28.06.2024.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail and have stated that from perusal of the case diary it has come that it was the petitioner who had directed the other co-accused persons to kill the brother of the informant and also gave Rs. 10,000/- each to all, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and taking into account the fact that there is nothing to



connect the petitioner with the alleged incident barring the confessional statement of the co-accused persons coupled with the fact that the petitioner is in custody since 28.06.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nalanda, in connection with Harnaut P.S. Case No. 236 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) The learned Court below 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 court below 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.

7. The application stands allowed.

(Sourendra Pandey, J)

Jyoti/-

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

