

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31176 of 2015**

Arising Out of PS.Case No. -263 Year- 2013 Thana -BIHTA District- PATNA

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1. Bhola Mahto Son of Hira Lal Mahto resident of Mohalla - Shrirampur  
Tola, Police Station - Bihta, District - Patna

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Nirmal Kumar Sinha (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

3      02-11-2015                      Heard the learned counsel for the petitioner as well as  
  
the learned A.P.P.

The petitioner seeks bail in a case for the offences  
punishable under sections 302, 323, 504 and 34 of the I.P.C

Allegedly, the petitioner and other two co-accused  
being armed with iron rod, danda and brick came and started  
assaulting the husband of the informant and co-accused Meera  
Devi was instigating them and when the informant tried to rescue  
she was also assaulted and further co-accused Hira Lal Mahto  
assaulted Jitendra Kumar with Danda. During course of treatment  
the husband of the informant died.

Submission is of false implication and that during  
investigation in paragraph-7 of the case diary one eye witness,



namely, Jitendra Kumar claims that the petitioner having armed with iron rod and co-accused Mantun Mahto armed with brick assaulted the deceased causing injury on his head but the doctor has found only one injury on the head of the deceased and as such it is not clear as to who is the author to cause head injury out of the aforesaid four assailants. It is stated that on this ground co-accused Mantun Mahto has already been allowed bail by another coordinate Bench of this Court vide Cr. Misc. No. 31316 of 2015 by order dated 15.10.2015 and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner and co-accused Mantun Mahto have assaulted the deceased with iron rod and brick on his head.

In the facts and circumstances as stated above, considering the case of the petitioner similar to that of Mantun Mahto the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District Judge-III, Danapur, Patna in S.T. No. 313 of 2015 arising out of Bihta P.S. Case No. 263 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each

and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Abhay/-

**(Jitendra Mohan Sharma, J)**

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