

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22744 of 2016

Arising Out of PS.Case No. -707 Year- 2015 Thana -PHULWARI District- PATNA

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1. Arvind Kumar, S/o Ramjeevan Mahto, resident of Mohalla-Noniya Tola, Tamtam Paraw, P.S.-Phulwarishariff, District-Patna.
2. Santosh Kumar, S/o Shankar Ram Das, resident of village-Sihya, P.S.-Matihani, District-Begusarai, at present R/o Noniya Tola, Tamtam Paraw, P.S.-Phulwarishariff, District-Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Mukesh Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 26-05-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in connection with Session Trial No. 317 of 2016 arising out of Phulwarishariff P.S. Case No. 707 of 2015 registered for the offences punishable under Sections 147, 148, 149, 302, 341 and 323 of the Indian Penal Code.

Allegedly, the petitioner No. 1, though, is named as brother of Guddu Mahto and Chaitu Mahto, son of Ramji Mahto, the petitioner No. 2 is not named in the first information report and it is alleged that the accused persons were taking drink behind the temple and started abusing the informant and his *Sarhu*, namely,



Jahangir @ Monu and on protest, Guddu, Chaitu and his brother (petitioner) attacked on the *Sarhu* of the informant and at the instigation of co-accused, Ramji Mahto, Kanchan, Binod Mahto, Surendra Mahto and Ajay Shastri also attacked and started assaulting with fist and slap and in the mean time, Guddu Mahto and Chaitu Mahto started assaulting Jahangir @ Monu with knife resulting injury and he fell down and when he was brought at PMCH by the police, in the way Monu died.

Submission is of false implication and that it would appear from the F.I.R. that occurrence is of 10.10.2015 at about 11:00 p.m. in the night and the informant submitted his typed report for lodging the case at about 12:30 p.m. in the night which creates serious doubt about presence of the informant at the place of occurrence and manner of occurrence. The petitioners, without any fault, are suffering in custody since 06.11.2015 whereas Chaitu Mahto has already been allowed bail vide Criminal Misc. No. 9494 of 2016 by another co-ordinate bench of this Court and the case of the petitioners are on better footing to which the learned APP does not dispute.

In the facts and circumstances stated above, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of the learned Additional District Judge-III, Patna in connection with Session Trial No. 317 of 2016 arising out of Phulwarishariff P.S. Case No. 707 of 2015, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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