

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43963 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -KORMA District- SEKHPURA

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1. Shivdhar Mahto @ Bhojal Mahto @ Komal, S/o Late Kailash Mahto, R/o
Dih Kusumbha, P.S.- Korma, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-11-2017 The petitioner seeks regular bail in connection with Korma P.S. Case No. 18 of 2017, registered for offences punishable under Sections 147, 148, 149, 3123, 325, 354, 307, 302, 506 of Indian Penal Code and Section 8 of POCSO Act.

Allegation against the petitioner and several other accused persons is of assaulting the deceased causing his death and also of assaulting other persons.

It has been submitted on behalf of the petitioner that only general and omnibus allegation has been levelled against the petitioner and no specific allegation has been made. It has further been submitted that a scuffle took place between the parties on some trifle matter, in which both the parties have sustained injuries and all the injuries sustained by the prosecution side was



found to be simple in nature except one of the injuries caused to one of the injured. Further he has been in judicial custody for two and half months.

Learned counsel for the State opposed the prayer for bail.

Having heard both sides, considering the fact and circumstances of the case this application is disposed of with direction to the court below that once chargesheet is submitted and no specific allegations stated by learned counsel for the petitioner, is found against him, he shall release the petitioner on bail to his own satisfaction with the condition that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the



prosecution is free to move for cancellation
of his bail.

(Vinod Kumar Sinha, J)

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