

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43799 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -DUMARIA District- GAYA

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1. Mahavir Prasad @ Mahavir Mahto Son of Late Parmeshwar Mahto, R/o
Village- Mandar, P.S.- Dumaria, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Dumaria P.S.
Case No. 28 of 2017 for offences punishable under Sections 147,
148, 149, 302, 435 and 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with eight other accused persons brutally
assaulted her husband who died.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the
aforesaid case. He submits that general and omnibus allegation has
been levelled against the petitioner and eight others and there was



no firing caused by the petitioner. He submits that altogether 4 cases for the same occurrence has been lodged out of which one case has been lodged by the petitioner's side by one Guriya Kumari and the third by the police apart from the present case. He submits that one of co-accused on similar allegation has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 40036 of 2017 on 08.09.2017. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 23.06.2017. It is further submitted that the deceased who was a licensed gun holder had in fact fired upon the petitioner's side for which a case has also been registered by the petitioner's side as there was enmity between them regarding land dispute.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati at Gaya in connection with Dumaria P.S. Case No. 28 of 2017, subject to the conditions that:



- (i) One of the bailors shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will cooperate in trial and appear in the court on each and every date fixed in the case and on failure to appear without any genuine ground or without permission of court, his bail bond shall be cancelled.

(Nilu Agrawal, J)

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