

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54121 of 2017

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

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Mahesh Mahto Son of Late Kailash Mahto, R/o Village- Kusumbha, P.S.-
Korma , District- Sheikhpora. Petitioner.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 13-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in POCSO Case No. 18 of
2017, arising out of Korma P.S. Case No.36 of 2017, registered
under Sections 147, 148, 149, 323, 325, 354, 307, 302 and 506 of
the Indian Penal Code and Section 8 of POCSO Act.

As per the prosecution case, on the order given by
the petitioner other accused persons named in the F.I.R. assaulted
the deceased Bihari Mahto by means of khanti and rod and all the
accused persons including the petitioner assaulted the informant
and his son, Mithilesh Mahto. Bihari Mahto succumbed to his
injury during course of treatment.

It is submitted by learned counsel for the petitioner
that the petitioner happens to be only order giver and is not the
assailant of the deceased. The other allegation levelled against the
petitioner is not specific rather general and omnibus in nature. As



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a matter of fact, there was a scuffle between the parties and both the parties filed cases against each other. The case of the petitioner is of preceding to the case under hand. One of the alleged assailant of the deceased, namely, Shivdhar Mahto @ Bhojal Mahto @ Komal was directed to be released in Cr. Misc. No.43963 of 2017 vide order dated 07.11.2017 on bail on submission of chargesheet and not finding specific allegations against him by the learned lower court and the said accused has been enlarged on bail in compliance of order of this court. Chargesheet against the petitioner has been submitted. The petitioner has been languishing in custody since 24.05.2017.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Korma P.S. Case No.36 of 2017.

(Prakash Chandra Jaiswal, J)

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