

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37911 of 2017

Arising Out of PS.Case No. -243 Year- 2016 Thana -MANER District- PATNA

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1. Dharamveer Mahto @ Dharamveer Kumar, Son of Randhir Mahto @ Randhir Kumar, resident of Village- Madhopur @ Gyaspur, Police Station- Maner, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 04-10-2017

Heard both sides.

The petitioner seeks bail in Maner P.S. Case No. 243 of 2016, registered under Sections 302, 379 and 34 of the Indian Penal Code.

The informant alleged that while he along with his father was sitting at Darwaja, Randhir Mahto, Dharamveer Mahto, the petitioner and Mohan Mahto having armed with Lathi, stick and iron rod came and assaulted his father. The accused persons also assaulted the informant and his mother. Bhola Mahto, the father of the informant received grievous injuries. The father of the informant was referred to P.M.C.H. from P.H.C. Maner.

Learned counsel for the petitioner submits that there is a counter version being Maner P.S. Case No. 235 of 2016. Randhir Kumar the informant of the aforesaid case alleged that informant of



the present case and his father entered into his house in the night and assaulted them. The case was lodged after three days of the occurrence. It is further submitted that there is omnibus and general allegation against all the three accused persons that they assaulted the father of the informant with Lathi and iron rod. Two external injuries one on nasal and another on chest were found but no external injury was found on the head. On dissection one haematoma and fracture of scapular bone was found. It is further submitted that the petitioner is in jail since 07.06.2016. The petitioner is in jail for last 16 months. Similarly situated co-accused Mohan Kumar @ Mohan Kumar Mahto @ Mohan Mahto has been granted anticipatory bail vide order dated 14.07.2017 passed in Cr. Misc. No. 22365 of 2017.

On the other hand, learned counsel for the informant and learned APP vehemently opposed the prayer for bail and submitted that Mohan Kumar @ Mohan Kumar Mahto @ Mohan Mahto was granted anticipatory bail. Thereafter, the anticipatory bail of the co-accused Randhir Kumar Mahto @ Randhir Mahto @ Randhir Kumar @ Randhir Kumar Verma was rejected by another coordinate Bench of this Court vide order dated 20.07.2017 passed in Cr. Misc. No. 18071 of 2017 and thereafter Randhir Kumar Mahto surrendered and his prayer for regular bail was also rejected. It is further submitted that the trial shall be concluded within a period of six months.

Perused the records, it appears that the informant



Santosh Kumar named the petitioner and two others namely Randhir Mahto and Mohan Mahto and alleged that they all assaulted his father Bhola Mahto. Bhola Mahto received two injuries one on nose and another on chest. During course of post-mortem on dissection one injury was found on head and the head was found smashed. No specific allegation is made as to who is the author of the injury found on the head. The petitioner has remained in jail for about 16 months.

Considering the facts aforesaid and the fact that similarly situated co-accused Mohan Mahto has been granted anticipatory bail by a coordinate Bench of this Court, the petitioner above named 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 learned Judicial Magistrate, Danapur in Maner P.S. Case No. 243 of 2016, subject to the conditions that the petitioner shall remain present on each and every date during course of trial and if the petitioner is found absent on two consecutive dates the court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J)

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