

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17342 of 2019

Arising Out of PS. Case No.-196 Year-2018 Thana- GOVINDGANJ District- East
Champaran

-
1. SHAMBHU MAHTO Son of Bhadai Mahto Resident of Village - Nagdaha Nara, P.S.- Malahi (Gobindganj), Distt - East Champaran.
 2. Ramchandra Mahto Son of Bhadai Mahto Resident of Village - Nagdaha Nara, P.S.- Malahi (Gobindganj), Distt - East Champaran.
 3. Surendra Mahto Son of Ramchandra Mahto Resident of Village - Nagdaha Nara, P.S.- Malahi (Gobindganj), Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.01.2019 in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the Indian Penal Code. Subsequently, Section 302 of the I.P.C. was also added.

The prosecution case got initiated on the basis of written report of Subhawati Devi submitted before the Station House Officer, Chhatauni Police Station is to the effect that on 11.07.2018 at 7.30 P.M., the grand-daughter of the informant went to ease out and in the meantime female villagers of Shambhu Mahto, the petitioner had also gone to ease out. The



daughter of the informant lightened the torch, over which female inmates abused her and made complaint in that regard to male members of their family. Subsequently at 8.30 P.M., all the accused persons, including the petitioner variously armed came at the door of the informant and abused and assaulted the husband of the informant namely, Ugam Mahto, causing head injury. It is further alleged that all the accused persons including the petitioners also committed theft of ornaments and cash amount after breaking lock of the box kept inside the house of the informant. Subsequently, the husband of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general and the investigation has already been concluded. It is further submitted that similarly situated co-accused Rajesh Mahto has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.10.2018 passed in Criminal Miscellaneous No. 61795 of 2018.

Learned APP for the State submits that the petitioner is named in the FIR and they all have assaulted the informant's husband.

Considering the genesis of the occurrence, the



accusation being omnibus and general, investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 1st ACJM, East Champaran, Motihari in connection with Govindganj (Malahi) P.S. Case No.196 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

