

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66411 of 2019**

Arising Out of PS. Case No.-210 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Chandan @ Chandan Mahto son of Surendra Mahato @ Sundeshwar Mahto Resident of Village- Suratpur, P.S.- Muffasil, District- Samastipur.
 2. Bilat Mahto @ Vilat Mahto Son of Munilal Mahto Resident of Village- Suratpur, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of bail in connection with Mufassil P.S. Case No.210 of 2019 (District Samastipur) registered for the offence under sections 341,323,324,307,302 and 34 of the Indian Penal Code.

As per the allegation in the FIR, the accused persons including the two petitioners herein are said to have called out the deceased Anil Kumar for help and on his coming out, the accused persons killed him.

It is submitted by learned counsel for the petitioners that from the material that has transpired in course of investigation as also the statement of the witnesses under section 164 Cr.P.C which has been brought on record, it would transpire that the



allegation of assault is not specific on these petitioners.

The application for bail is opposed by the learned APP for the State submitting that so far as the petitioner no. 1 is concerned, there is direct and specific allegation against him which has been supported by the witness in their statement under section 164 Cr.P.C and which has come in paragraph nos. 5, 20 and 43 of the case diary.

Having heard learned counsel for the parties and taking into consideration the above facts, the Court is not inclined to enlarge the petitioner no. 1 on bail and as such his application for bail is rejected.

However, the Court is inclined to grant bail to the petitioner no. 2. Let the petitioner no. 2 be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 5th, Samastipur in connection with Mufassil P.S. Case No. 210 of 2019 (District Samastipur).

(Partha Sarthy, J)

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