

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82304 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- TERHAGACHH District- Kishanganj

1. Tengra Mahto @ Lal Bahadur, aged about 65 years, (Male), Son of Late Tinkouri Mahto, Resident of Village - Fulbaria, P.S.- Terhagachh, District- Kishanganj.
2. Tirku Mahto @ Shiv Shankar Mahto, @ Tinku Mahto, aged about 21 years, (Male), Son of Tengra Mahto @ Lal Bahadur, Resident of Village - Fulbaria, P.S.- Terhagachh, District- Kishanganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-12-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Terhagachh PS Case No. 35 of 2019 dated 10.03.2019 instituted under Sections 302/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submitted that besides the allegation being general and omnibus in nature regarding assault leading to death of the informant's father, the petitioners had no motive for taking part in such incident. It was submitted that as per the FIR itself, clothes of some other persons



was spoiled due to colour being sprinkled on account of use of spray gun by the father of the informant while trying to operate it. It was submitted that the altercation took place between some other persons, who were passers-by and as per the allegation itself, 18 named and 10-15 unknown persons are said to have come to the shop of the informant and assaulted his father brutally leading to his death. It was submitted that the petitioners had no enmity or cause of action for such assault as he was neither related to the other persons nor do they have any past criminal antecedent. It was submitted that they are in custody since 27.09.2019.

4. Learned APP submitted that there is allegation of assault against the petitioners also and a person has died. However, he could not controvert the fact that as per the FIR itself, the allegation is against 18 and 10-15 unknown persons and there is no specific overt act with regard to the blow of the petitioners having hit the deceased.

5. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Terhagachh PS Case No. 35 of 2019,



subject to condition that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

Vikash/Ranjit

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