

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25690 of 2020

Arising Out of PS. Case No.-99 Year-2017 Thana- SIMRI District- Darbhanga

SANTOSH MAHTO @ SANTOSH KUMAR MAHTO Son of Ram Mahto
@ Ram Narayan Mahto Resident of Village- P.S.- Simri, District- Darbhanga.
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Pravin Kumar, Advocate
Ms. Vaishnavi Singh, Advocate
For the Opposite Party : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-10-2020 Heard Ms. Vaishnavi Singh, learned counsel
appearing on behalf of the petitioner and Mr. Ganesh Prasad
Singh, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of regular bail arises out of
Simri P.S. Case No. 99 of 2017, initially registered for the
offence punishable under Sections 341, 342, 323, 354, 448, 449,
436, 427, 307, 379, 504, 506/34 of the Indian Penal Code,
however, subsequently Section 302 of the Indian Penal Code
was also added.

It is evident on perusal of the F.I.R. that the dispute in
respect of passage is the reason behind the alleged occurrence.
Allegedly, on 21.08.2017, the informant's mother had gone to
complain against obstruction having been caused over the said



passage with a request to clear the same, reacting to which, the F.I.R. named accused persons including the petitioner abused her. In the night, allegedly, when the informant's mother was sleeping in the veranda of her house, accused Viji Mahto and others entered into her house, looted certain articles and set the informant's mother on fire.

Learned counsel appearing on behalf of the petitioner has submitted that similarly circumstanced co-accused Anil Kamti, Vijai Mahto and Santosh Kamti have been allowed bail either by this Court or the Court below itself. The orders, whereby other co-accused persons have been allowed bail, have been brought on record by way of Annexure-2 and 3 to this application.

Considering the aforementioned circumstance, this application is allowed.

Let the petitioner, above named, 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 the learned C.J.M., Darbhanga at Laheriasarai, Simri P.S. Case No. 99 of 2017.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two



months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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