

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37416 of 2019

Arising Out of PS. Case No.-26 Year-2010 Thana- GORAU District- Vaishali

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MUKESH KUMAR MAHTO @ MUKESH KUMAR @ MUKESH MAHTO
Son of Yogendra Mahto Resident of Village-Harsher, P.S.-Goraul, District-
Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 26-02-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of **Goraul P.S. Case No. 26 of 2010**, disclosing the offences under Sections 147, 149, 341, 323, 324, 354, 307, 504, 379 and Section 302 of the Indian Penal Code.

The petitioner had earlier approached this Court by filing an application for grant of regular bail which was rejected by an order dated 03.12.2018 passed in Cr. Misc. 55932 of 2018, mainly on the ground, that in a case registered in 2010, the petitioner was apprehended eight years thereafter on 20.05.2018 and despite rejection of his application for grant of anticipatory bail, he had not surrendered. It was observed in the



order dated 03.12.2018 that let the trial be expeditiously concluded preferably within six months.

Learned counsel appearing on behalf of the petitioner pressing present application has submitted that there are 13 persons named in the First Information Report including the petitioner against whom there is general and omnibus allegation of assault. He has submitted that similarly circumstanced co-accused persons have been allowed regular bail by this Court.

Learned Additional Public Prosecutor appearing on behalf of the State has submitted that the post mortem report corroborates the case of the prosecution as disclosed in the First Information Report. He has, however, not been able to convince this Court as to how the case of the petitioner could be distinguished from the cases of other co-accused persons who have been allowed bail by this Court.

Considering the above, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur**, in connection with **Goraul P.S. Case No. 26 of 2010**, subject to the condition that the petitioner shall present himself before the



Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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