

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5850 of 2019

Arising Out of PS. Case No.-559 Year-2019 Thana- GARKHA District- Saran

Ramesh Mahato, aged about 29 years (M), Son of Naresh Mahato Resident of
Village - Pithaghat Rampur, P.S.- Garakha, District- Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 29-06-2020 Heard learned counsel for the appellant and learned
counsel for the State.

The present appeal has been filed against the order dated 4.12.2019 passed by the court of learned Additional Sessions Judge, 1st cum Special Court SC/ST Saran at Chapra rejecting the prayer for bail of the appellant in Garakha P.S. Case No. 559 of 2019 registered for offence under Sections 341, 323, 436, 504/34 of the Indian Penal Code and Section 3(2) (iii) of the SC/ST Act.

In this appeal, the appellant prays for regular bail though appellant has got criminal antecedent of two criminal cases as has been stated in paragraph no.3 of the present appeal.

As per prosecution case, on 12.9.2019 at about 4 PM, his brother Om Prakash had gone to market on cycle. While



he was returning after purchasing vegetable and reached in front of the house of Ramesh Mahto then Ramesh Mahto and Jitendra Mahto intercepted his cycle and Jitendra Mahto started to assault him. Again again at 7 PM, both the accused persons came at his house, sprinkled the kerosene oil and put on fire due to which one goat died.

Learned counsel for the appellant submits that the appellant has been made accused due to rivalry by his agnates. He further submits that the appellant is languishing in jail custody since 12.9.2019. He again submits that the co-accused person, namely, Jitendra Mahto has been granted bail by this Court vide order dated 1.6.2020 passed in Cr. Appeal (SJ) No. 1168 of 2020.

Looking to the entire facts and circumstances of the case, let the appellant, 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 learned 1st Additional Sessions Judge cum Spl. Judge SC/ST Saran at Chapra in connection with Garakha P.S. Case No. 559 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the appellant (ii) if the appellant is found involved in future in similar type of case, the prosecution will be at liberty



to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the appellant would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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