

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13501 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- GOH District- Aurangabad

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BADHU MAHTO, Son of Late Jagish Mahto, Resident of Village- Alpa, P.S.-
Pauthu, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 323, 379, 302
of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that on 17.02.2020 at
about 9.00 O'clock, the informant alongwith other persons were
sitting in a room at the base camp of bridge construction
situated at village Ankuri P.S. Goh. In the meantime, 10-15
people came armed with lathi, sticks and other weapons and



pointing towards the informant and told that he is the Munshi and started assaulting. Out of those 10-15 people, one person fired over Shivnarayan Yadav and he fell down being injured. Other persons who covered their faces took mobile sets and money from his pocket. Those people took the mobiles of other persons. When the informant alongwith others were carrying his injured brother to the hospital, he died on the way.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. On the basis of confessional statement of co-accused namely Gorakh Ram, he has been made accused in this case. There is no any incriminating articles has been recovered from the possession of the petitioner. There is general and omnibus allegation against the petitioner and there is no specific allegation against him. There is no T.I. Parade till date. The petitioner is languishing in judicial custody since 31.08.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. He further submits that similarly situated co-accused have been granted bail by different co-ordinate Benches of this Court.

Learned APP for the State opposes the prayer for bail



of the petitioner.

Considering the custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Goh P.S. Case No. 27/2020 to the satisfaction of learned Court below where the case is pending; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in



the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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