

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14435 of 2021**

Arising Out of PS. Case No.-211 Year-2020 Thana- SARAI District- Vaishali

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AMARNATH MAHTO Son of Late Kusheshwar Mahto Resident of Village -
Akhtiyarpur, Patedha, P.S.- Sarai, District – Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 04-09-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nand
Kishore, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sarai P.S. Case No. 211 of 2020 registered for the
offences punishable under Sections 341, 323, 337, 338, 307, 302,
504, 506, 34 of the Indian Penal Code. He is in custody since
09.09.2020.

As per the prosecution story, there had been a quarrel
between the informant and the accused persons on 07.09.2020 at 2
pm when the informant had allegedly gone to demand his money
which were outstanding against co-accused Santosh Mahto. It is
alleged that the brother of the informant was being abused and the

informant brought him back to home but at about 10 pm all the accused persons assembled there at the house of the brother of the informant and started abusing him. All the accused persons assaulted him by lathi, danda and iron rod and they also threw bricks on the informant's family. The brother of the informant and the informant himself suffered injuries. This petitioner is named one among the nine accused persons who had allegedly assembled at the place of occurrence. In the latter part of the F.I.R., it is alleged that when mother of the informant came to save him then the co-accused Sultan Mahto, Prem Mahto, this petitioner and co-accused Santosh Mahto assaulted the mother of the informant by iron rod causing serious injuries to her and she fell down, later on she succumbed to her injuries and died on way to P.M.C.H.

Learned counsel for the petitioner submits that the allegations against the petitioner are general and omnibus. So far the assault given to the mother of the informant is concerned, it has been alleged against four accused persons including this petitioner, however, the post-mortem report shows only one injury on the head of the deceased, there are two other injuries but those are not vital and the co-accused Prem Mahto who is similarly situated with the petitioner has been granted privilege of regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 17247 of 2021. The petitioner has no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer

for bail of the petitioner but accepts that the case of the petitioner is similarly situated with co-accused Prem Kumar @ Prem Mahto.

Considering the facts and circumstances of the case, the allegation being general and omnibus and the co-accused similarly situated have been granted bail, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XVI, Vaishali at Hajipur in connection with Sarai P.S. Case No. 211 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.