

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18157 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- MADHEPUR District- Madhubani

1. BIDYANAND MAHTO Son of Sanjay Mahto Resident of Village- Khajura, P.S.- Madhepur, District- Madhubani.
2. Surendra Mahto Son of Devnarayan Mahto Resident of Village- Khajura, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv.
	:	Mr. Ravi Prakash, Adv.
	:	Mr. Vinod Kumar, Adv.
For the Opposite Party/s	:	Mr. C.P. Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned counsel for the informant as well as the learned A.P.P. for the State.

The petitioners seek bail in connection with Madhepur P.S. Case No. 152 of 2020 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code.

The petitioners are said to have assaulted the son of the informant as a result of which he sustained injuries and, subsequently, he died during course of treatment.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. In fact, the entire case is a counter blast of Madhepur P.S. Case No. 151 of 2020 filed by one of the co-accused, Sheela Devi against the son of the informant. There is general and omnibus allegation of assault against the petitioners and no specific accusation of assault is attributed to these petitioners. Moreover, the co-accused, namely, Shila Devi @ Sheela Devi along with Shanti Devi @ Urmila Devi and Deo Narayan Mahto along with Shya Deo Mahto, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 04.09.2021 and 07.12.2021 passed in Cr. Misc. No. 17495 of 2021 and Cr. Misc. No. 29272 of 2021, respectively. The petitioners are rotting in judicial custody since 13.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 152 of 2020 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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