

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19545 of 2021**

Arising Out of PS. Case No.-300 Year-2018 Thana- BARACHATTI District- Gaya

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MAHESH SAO @ MAHESH SAW Son of Pun Sao Resident of Village -
Somiya Tola Kewaliya, P.S.- Barachatti, District - Gaya and presently resides
at Kamalbar, P.S.- Chauparan, District - Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Barachatti P.S. Case No.300 of 2018 registered

for the offences punishable under Sections 147, 148, 149, 341,

323, 324, 307 and 302 of the Indian Penal Code, Section 27 of

the Arms Act and Section 3/4 of the Witch Practice Act.

Learned counsel for the petitioner submits that as per

the prosecution story the 9 F.I.R. named accused and 4-5

unknown men and women came lashed with sword, chapra and

tangi at the house of the informant, called the mother of the informant as a witch and after alleging that because of her Tribhuwan Sao and his wife have died, the co-accused Pappu Sao fired from his pistol whereafter the informant and his family got frightened, they close the door but the accused persons broke open the door and thereafter the informant and his family members started running away. It is alleged that the co-accused Rajesh Sao, Guddu Sao and Mahesh Sao (this petitioner) and Duresh Sao who were lashed with sword and Ganesh Sao and Pappu Sao who were having tangi started assaulting the wife of the informant, his mother and his daughter. The wife of the informant is said to have died in the alleged occurrence.

Learned counsel for the petitioner submits that it is a case of false implication and over implication of the accused. There are general and omnibus allegations against each and all and after noticing this a learned coordinate Bench of this Court has granted bail to the co-accused Durgesh Sao in Cr.Misc.No.20161/2021. The case of the petitioner is similarly situated with the said Durgesh Sao. He is in custody since 19.11.2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and

circumstances of the case, the allegation being general and omnibus and the co-accused similarly situated has been granted bail by a learned coordinate Bench of this Court, the petitioner has otherwise no criminal antecedent, this Court directs that the petitioner above named be released 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., Sherghati, Gaya in connection with Barachatti P.S. Case No.300/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(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'.