

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20058 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- AMARPUR District- Banka

JAY RAM MAHTO SON OF LATE LALJIT MAHTO R/o village-
Kumarkhal, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee, Adv.
For the Opposite Party/s	:	Mr.Dilip Kr. No.1, APP
For the Informant	:	Mr.Rajendra Prasad Sah, Adv.
		Mr.Ratnakar Ambastha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-08-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Amarpur P.S. Case No.245 of 2020 registered for the offence punishable under Sections 341, 323, 302, 354, 504, 506/34 of the Indian Penal Code.

The prosecution case in short is that the petitioner along



with other accused persons came in his house and by holding the hands and legs of her wife, brutally assaulted her, due to which she became unconscious. Thereafter, on alarm, co-villagers assembled there, upon which the accused persons fled away and the victim was brought to the hospital where she was declared dead.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to land dispute and family partition which is also mentioned in the F.I.R. It is further submitted that allegation is made that the petitioner has held both the hands of the deceased and others assaulted her but petitioner is an old man of 75 years and unable to walk without the help of others. He is the elder brother-in-law of the deceased. There is no specific allegation against the petitioner rather the allegation is general and omnibus in nature. There was a property dispute going on between the parties and after an unfortunate incident with the deceased, the petitioner has been falsely implicated in this case. The petitioner has no criminal antecedent and has been languishing in custody since 07.12.2020.



Learned APP for the State and learned counsel for the Informant vehemently opposed the prayer for bail by submitting that there is a serious allegation against the petitioner that he along with others brutally assaulted the wife of the informant due to which she died during treatment.

Considering the facts and circumstances of this case, since there is no overt act against the petitioner, he is aged about 75 years and has undergone custody of more than seven months, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/Successor Court, Banka, in connection with Amarpur P.S. Case No.245 of 2020.

(Anjani Kumar Sharan, J)

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