

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26873 of 2020

Arising Out of PS. Case No.-121 Year-2019 Thana- SURSAND District- Sitamarhi

BHIKHARI MAHTO Son of Ramdayal Mahto Resident of Village -
Majhaura, P.S. -Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv
For the State	:	Mr. Ram Naresh Rai, APP
For the Informant	:	Ms. Madhubala Verma, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-02-2021 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 27.11.2019 in Criminal Miscellaneous No. 60149 of 2019 with liberty to renew his prayer for bail after completing one year of Jail custody.

Petitioner seeks bail in **Sursand P.S. Case No. 121 of 2019** registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 302 and 504 of the Indian Penal Code.

Allegation against petitioner and 11 accused is of assaulting father of informant by *lathi* as a result of which he died in Hospital.

It has been submitted by learned counsel for the petitioner that allegation is general and omnibus in nature and



there is nothing specific against petitioner. There is land dispute between the parties. Learned counsel for the petitioner submits that similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 08.01.2020 in Criminal Miscellaneous No. 62269 of 2019, 22.01.2020 in Criminal Miscellaneous No. 4074 of 2020. It has been further submitted on behalf of the petitioner that petitioner has got no criminal antecedent and is in custody since 26.05.2019 and he has completed more than one and a half year of Jail custody.

Considering the aforesaid facts and circumstances of the case and considering the period of custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sessions Trial No. 502 of 2019 arising out of Sursand P.S. Case No. 121 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.



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

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

