

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36449 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- NAYAGAON District- Saran

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DAROGA MAHTO Son of Ramnath Mahto Resident of Village- Dumari
Bujurg, P.S.- Nayagaon, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-12-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302 and 34 of
the Indian Penal Code.

As per the prosecution case, over a dispute relating to
construction of terrace between the parties, it is stated that the
10 named accused persons including the petitioner herein
assaulted the husband of the informant who died in course of
treatment.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case which
would be evident from perusal of the postmortem report. In spite
of allegations of assault by 10 accused persons including the



petitioner herein, no external injury has been found in the postmortem of the deceased. The allegations are general and omnibus in nature. The petitioner is in custody since 29.12.2020 and has no criminal antecedent. Charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations in the FIR together with the contents of the post mortem report, the petitioner having remained in custody for about 1 year and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Nayagaon P.S. Case no. 27 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VI, Saran at Chapra.

(Partha Sarthy, J)

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