

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37204 of 2021

Arising Out of PS. Case No.-130 Year-2020 Thana- FATEHPUR District- Gaya

PUNNA MAHTO Son of Shri Aditya Mahto Resident of Village - Dhibar
Tola Adarkichak, P.S.- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 307, 302 and some other minor Sections of the Indian Penal Code.

As per the prosecution case, on 20.06.2020 this petitioner and other accused persons were filling private well of the informant, which was situated on the informant's land, of which villagers were taking water, and when Raju Prasad, cousin of informant, objected all the 17 accused persons, named in the FIR, including this petitioner, abused and assaulted him with Bhala, Sambel and Lathi as a result of which he sustained injuries and died during the course of treatment.

It is submitted that there is case and counter case in which both sides sustained injuries. The present occurrence has taken place due to land dispute which is apparent from the FIR itself. There is general and omnibus allegation against this petitioner and no specific overt act has been alleged against this petitioner. Other similarly situated accused persons, having



identical and similar allegation, have already been granted bail by a co-ordinate Bench this court vide order dated 26.07.2021 passed in Cr. Misc. No. 11155/2021. Petitioner is in custody since 01.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-X, Gaya in connection with Fatehpur PS case No. 130/2020 on the following conditions:-

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

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

(Prabhat Kumar Singh, J)

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