

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43436 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- KHODAWANDPUR District- Begusarai

LALO MAHTO @ LALOO @ LALI MAHTO S/o Rambali Mahto Resident
of Village- Kumbhi, P.S.- Cheria Bariarpur, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Gautam

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Khodawanpur P.S. Case No. 238 of 2020 registered for the offences punishable under Sections 341, 342, 323, 307, 302, 34 of the IPC.

As per the prosecution case, on 20.11.2020 while the informant was returning to his home and reached at Mohna Chowk, Ram Naresh Mahto assaulted him with fist and slaps and also assaulted him with lathi on his head. Again at 8:00 pm,



the informant's father had gone to milk centre where Ram Naresh Mahto assaulted him with lathi and danda. Again on the same day, petitioner and co-accused forcibly took the informant's father from his house and assaulted him with lathi, danda and fist as a result of which he became seriously injured and during course of treatment he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons including the petitioner except Ram Naresh Mahto. There is specific allegation against Ram Naresh Mahto. He further submits that co-accused Bhim Mahto @ Bhim Mahton has been granted bail by a co-ordinate Bench of this court vide order dated 22.10.2021 passed in Cr. Misc. No. 40975 of 2021. Petitioner is in custody since 11.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Additional Sessions Judge-XII, Begusarai in connection with Khodawandpur P.S. Case No. 238 of 2020, Sessions Case No. 195 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

