

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35072 of 2020

Arising Out of PS. Case No.-222 Year-2020 Thana- JAMUI District- Jamui

Ashok Mahton @ Ashok Kumar Mahton, aged about years, Son of
Bangali Mahton, Resident of Village- Barutta, P.S.- Jamui, District- Jamui.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Narayan Singh, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-01-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Jamui
P.S. Case No. 222 of 2020 registered for the offences punishable
under Sections 143, 341, 323, 307, 324, 447, 354(B), 504, 34
and 302 of the Indian Penal Code.

The prosecution story in short is that the informant
namely Sanju Devi give her written application before Officer-
Incharge. On 30.04.2020 in which she alleged that at about
11.00 A.M., we were doing food utensils and house hold chores
in our home. Meanwhile, in the courtyard when we heard some
noise we saw that Ashok Mahto, son of Bangali Mahto, village-
Baruatta was standing in my courtyard. So we ask what is the
matter. Meanwhile, more people from the village come, seeing
every one come they flee away. These people come to our home



with the intention of molestation and looting.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in the present case. There is case and counter case between the parties and there is land dispute between the parties. On perusal of the F.I.R., learned counsel for the petitioner further submits that there is no specific overt act against the petitioner. In paragraph-67 of the case diary, the father of the deceased also not alleged any specific allegation against the petitioner. According to the statement of the father of the deceased, He is the only order giver.

Learned counsel for the informant submits that in paragraph-7 of the re-statement of the informant, he is stated that the petitioner has also assaulted the deceased and postmortem report has supported this fact.

Considering the facts and circumstances of the case, there is no specific overt act against the petitioner and petitioner is in jail custody since 01.05.2020 and petitioner has got no any criminal antecedent mentioned in paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the



above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui, District- Jamui in connection with Jamui P.S. Case No. 222 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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