

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37473 of 2020**

Arising Out of PS. Case No.-51 Year-2020 Thana- MAJORGANJ District- Sitamarhi

RAJ KISHORE MAHTO S/o Late Munchun Mahto R/o Village- Hirolwa,
P.S.- Mejorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 02-02-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant.

The petitioner is in custody since 12.07.2020 in connection with Mejorganj P.S. Case No. 51/2020 registered for the offences punishable under Sections 341/323/324/307/302/504/34 of the Indian Penal Code.

As per the prosecution case, while the informant along with his wife and father-in-law was returning after harvesting wheat crops, all the eight FIR named accused persons, including this petitioner, assaulted them with Dab, iron-rod and pipe as a result of which all of them sustained injury and during the course of treatment, his father-in-law died.

It is submitted on behalf of the petitioner that no



specific allegation of assault has been levelled against this petitioner and as per the FIR, co-accused Subhas Mahto and Raja Mahto are alleged to have assaulted the deceased by iron-rod. It is further submitted chargesheet has already been submitted in this case and petitioner is in custody since 12.07.2020.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that petitioner is also named in the FIR and has assaulted the informant.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned CJM, Sitamarhi in connection with Mejorganj P.S. Case No. 51/2020, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be



cancelled by the Court below.

(2) If the petitioner tempers 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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