

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40405 of 2020

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

SANJAY MAHTO, Son of Jinis Mahto R/o Village- Hirolwa, P.S.- Mejarganj,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Udai Pratap Singh, APP
For the informant	:	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-03-2021 Heard Mr. Ashok Kumar Jha, learned Counsel for the petitioner, Mr. Udai Pratap Singh, learned Additional Public Prosecutor for the State and Mr. Santosh Kumar, learned counsel for the informant, through Video Conferencing.

This application, for grant of regular bail, arises out of Mejarganj Police Station Case No. 51 of 2020, disclosing offences under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code and later on Section 302 of IPC has been added.

The allegation, as per the First Information Report is that petitioner along with other accused persons surrounded the informant, his wife and father-in-law and it has been alleged that the co-accused, Pappu Kumar, assaulted the informant by



means of *Farsa* causing head injury, co-accused Sikandar Mahto, assaulted the wife of the informant by means of '*Dab*' and co-accused persons, Subhash Mahto and Raja Mahto assaulted the father-in-law of the informant, who subsequently died.

Learned counsel for the petitioner submits that the altogether eight persons are named in the First Information Report and from perusal of the same, it would be evident that no overt act has been alleged against the petitioner and there is specific allegation of assault against four co-accused persons. Learned counsel next submits that the allegation against the petitioner is general and omnibus and similarly situated co-accused person, Raj Kishore Mahto, has been granted bail by a Coordinate Bench of this Court in Cr. Misc. No.37473 of 2020. Learned counsel further submits that petitioner is in custody since 15.04.2020.

On the other hand, learned counsel for the informant and the State vehemently opposed the prayer for bail and submits that the petitioner along with other accused persons assaulted the informant, his wife and father-in-law and as such he does not deserve the privilege of bail.

Having regard to the submissions made by the parties



and taking into consideration the materials on record and the fact that allegation against the petitioner is general and omnibus and similarly situated co-accused person has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Sanjay Mahto, 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 learned A.C.J.M.-I, Sitamarhi, in connection with Mejarganj Police Station Case No. 51 of 2020.

It is made clear at the time of furnishing bail bond, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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