

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2661 of 2021

Arising Out of PS. Case No.-187 Year-2020 Thana- BALIYA District- Begusarai

PITAR MAHTO @ PITAMBAR MAHTO S/o Ramjee Mahto @ Ramji Mahto R/o village- Hetampur Mirzapur (Husaina Diyara), P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-06-2021 Heard Mr. Binod Kumar, learned counsel for the petitioner and Mr. Chaubey Jawahar, Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with Balia PS Case No. 187/2020 registered for the offences punishable under Sections 341, 342, 323, 379, 302, 34 of the IPC.

The allegation, as per First Information Report, is that petitioner along with other named accused persons, eight in numbers, along with three unknown persons assaulted father of the informant with Lathi, Danda and fists etc, due to which, father of the informant received internal injuries and was admitted to the hospital where he died after five days.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to village politics. Learned counsel further submits that from perusal of the FIR, it would be evident that the allegation levelled against petitioner is general and omnibus in nature and there is no specific allegation of assault against him. Learned counsel next submits that according to FIR, the informant is not an eyewitness and he received the information regarding assault upon his father from a third person. Learned counsel also submits that from perusal of the postmortem report (Annexure-3), it would be evident that no external or internal antemortem injury was found on the person of the deceased and the doctor has opined the cause of death due to *Gangrenous acute cholecystitis with septicemia*.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the allegation against the petitioner is general and omnibus in nature and further he is in custody since 11.07.2020, charge-sheet in the matter has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidences, if he is released on bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, PITAR MAHTO @



PITAMBAR 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 Chief Judicial Magistrate, Begusarai in connection with Balia PS Case No. 187/2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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