

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6481 of 2021

Arising Out of PS. Case No.-36 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

BIGU MAHATO Son of Late Pundev Mahato R/O Village Lalgargh tole Par,
Ward No. 7, P.S. Shyampur Bhataha, District - Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Shyampur Bhataha P.S.
Case No. 36 of 2019, registered for the offence punishable
under Sections 302, 307, 323 and other allied sections of the
Indian Penal Code.

As per the prosecution case, all the FIR named
accused persons including this petitioner variously armed
abused and assaulted the brother-in-law (Bhaisur) of informant
and when informant's husband came to rescue, he was also
assaulted by them with lathi, danda etc. During course of
treatment, brother-in-law of the informant died.



It is submitted on behalf of the petitioner that there is general and omnibus allegation and no specific overt act has been raised against this petitioner. Similarly situated co-accused person Ganesh Mahto has been granted bail by a coordinate Bench of this court vide order dated 04.12.2019 passed in Cr. Misc. No. 78033 of 2019 (Annexure-3). Petitioner is in custody since 17.07.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted bail, the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate, Sheohar in connection with Shyampur Bhataha P.S. Case No. 36 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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