

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11809 of 2021**

Arising Out of PS. Case No.-14 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Ram Chandra Mahto Son Of Musaharu Mahto Resident Of Vill- Malkuan,
P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh
For the Opposite Party/s : Mr.Rajiv Nayan
Mr. Pritish Kumar Lal

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

3 02-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Nawkothe P.S. Case No.
14 of 2020, registered for the offence punishable under Sections
147, 148, 149, 302 and 120(B) of the Indian Penal Code and
section 27 of the Arms Act.

As per the prosecution case, some dispute arose over
immersion of idol, in which accused persons fired upon the
Mami of the informant due to which she died.

It is submitted on behalf of the petitioner that though
petitioner is named in the FIR, but he is not the assailant of the



deceased. There is general and omnibus allegation of firing and no specific overt act has been alleged against this petitioner. Specific allegation of firing is against co-accused Ranjeet Mahto, Bambam Mahto, Jagdish Mahto, Sukho Tanti. Similarly situated co-accused have been granted bail by different benches of this Court vide order dated 09.08.2021 passed in Cr. Misc. No. 5994 of 2021, dated 21.05.2021 passed in Cr. Misc. No. 2009 of 2021, dated 03.05.2021 passed in Cr. Misc. No. 35882 of 2020 and dated 21.12.2020 passed in Cr. Misc. No. 34509 of 2020. Petitioner is in custody since 14.09.2020 having clean antecedent. Investigation has already been completed.

Counsel for the informant vehemently opposed the prayer for bail and submitted that deceased was persuaded to participate in the immersion and thereafter, all the accused persons including petitioner killed the deceased.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused have been granted bail by this Court, 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 Chief Judicial Magistrate, Begusarai in connection with Nawkothe P.S. Case No. 14 of 2020, 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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