

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11925 of 2022**

Arising Out of PS. Case No.-52 Year-2021 Thana- KAJRA District- Lakhisarai

ANIK MAHTO @ ANIK MANDAL SON OF LATE LAKHAN MAHTO
R/O VILLAGE- RAMTALIGANJ, P.S.- KAJRA, DISTRICT- LAKHISARAI
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Satyendra Narayan Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

5 19-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kajra P.S.
Case No. 52/2021 registered for the offences punishable under
Sections 147, 148, 149, 324, 325, 326, 302, 307, 504, 506 of the
Indian Penal Code and 27 of the Arms Act.

As per prosecution case, on 27.06.2021, the informant
and his family members were cultivating the land, in the
meantime, FIR named eleven accused persons including the
petitioner and seven unknown accused persons came with
various arms and made indiscriminate firing, as a result of which
informant's father sustained injury in his leg. Other co-accused
struck the informant on his hand with the sword. It is further
alleged that Subhash Kumar sustained gun shot injuries and
Chandra Shekhar Kumar sustained injuries in his head and hand.



The father of the informant was brutally beaten up and he was admitted in Primary Health Centre, Suryagarha for treatment but he was referred by the doctor to Sadar Hospital, Lakhisarai for better treatment but in the way he died.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to land dispute. The petitioner is languishing in custody since 28.06.2021 and bears criminal antecedent of one case in which he is on bail. There is case and counter case between the parties. There is no specific allegation of assault against the petitioner and as per FIR, he is only member of mob. There is general and omnibus allegation against the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Santosh Kumar, Sachin Kumar and Manik Mahto have been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.66069/2021 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and



keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Lakhisarai in connection with Kajra P.S. Case No. 52/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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