

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13113 of 2022

Arising Out of PS. Case No.-91 Year-2020 Thana- JALALPUR District- Saran

=====

DHANESH MAHTO Son of Dudhnath Mahto R/o Village - Makanpura, P.S.
- Jalalpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate.

For the Opposite Party/s : None

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and no one
appears on behalf of the State.

The petitioner seeks regular bail in connection with
Jalalpur P.S. Case No. 91 of 2020 lodged under Sections 147,
148, 149, 341, 323, 324, 307 & 379 of Indian Penal Code but
later on Section 302 of the Indian Penal Code was added by the
order dated 02.06.2020 in this case.

As per the F.I.R. lodged on 28.05.2020 by the
informant, the allegations are in two parts in the earlier part
accused No. 1-7 including the petitioner were allegedly
involved in causing assault upon the son of the informant, who
later on succumbed to his injuries and died. Whereas in the
second part accused serial no. 8-18 along with 100-150
unknown persons started alleged to be caused assault when the

informant along with 4 other person have gone to the father of this petitioner to enquire about the alleged occurrence.

Learned counsel for the petitioner submits that one incident took place in which general and omnibus allegation were made against the petitioner. He further submits that there is no eyewitness to the alleged occurrence and the involvement of petitioner is only based on the statement of informant. He further submits that petitioner is in custody since 12.08.2021, charge sheet has already been filed and he has only one case pending on which he is on bail which is of different nature as that of present one. He further submits that two co-accused were similarly situated with the present petitioner, were granted bail vide order dated 14.07.2021 and 15.01.2021 passed in Cr. Misc. No. 38770 of 2020 and Cr. Misc. No. 33353 of 2020 by the Co-ordinate Bench of this Court.

In the present facts and circumstances that at the first instance where allegations are made is general and omnibus in nature and considering the fact that petitioner is in custody since 12.08.2021 and charge sheet has already been filed, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial

Magistrate, 1st Class, Saran, Chapra in connection with Jalalpur P.S. Case No. 91 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--