

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13337 of 2022**

Arising Out of PS. Case No.-36 Year-2020 Thana- SONBERSA District- Sitamarhi

RAJESH MAHTO @ RAJESH RANJAN Son of Lalbabu Mahto Resident of
Village- Sonbarsa, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 31-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sonbarsa
P.S. Case No. 36 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.09.2021.

The allegation against the petitioner is to commit the
murder of the son of the informant, after dragging him outside
from the house, by using firearms, along with other co-accused
persons.



Learned counsel appearing on behalf of the petitioner submitted that as petitioner was in inimical terms with the informant of this case, having a case and counter case, he has been implicated falsely. It is submitted that the allegations as regard to firing is very much general and omnibus, and moreover, similarly situated co-accused persons, namely, Brajesh Bharti and Shyam Mahto, granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 30353 of 2021 dated 21.08.2021 and Cr. Misc. No. 37555 of 2021 dated 13.12.2021 respectively. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that nature of allegation as regard to firing is very much general and omnibus against the petitioner.

Considering the facts and circumstances as mentioned above, as allegation regard to firing is very much general and omnibus against the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sonbarsa P.S. Case No. 36 of 2020 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VII, Sitamarhi/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ram Bahadur Mahato, who is the cousin grand-father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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