

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15306 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- BARARI District- Katihar

SHANKAR MAHTO S/o Chulho Mahto @ Chulhi Mahto, R/o village-
Bhawanipur (Kundi Tola), P.S.- Barari (Semapur), Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 04-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barari P.S. Case No. 105 of 2021 lodged under Section 302/34
of the Indian Penal Code.

There is allegation in the F.I.R. that due to family
dispute scuffling takes place between brothers, due to which one
brother was badly injured and during treatment he died.

Learned counsel for the petitioner submits that the
deceased and the petitioner are full brothers. Petitioner is not a
criminal rather due to family dispute this occurrence took place,
in result his brother was badly injured and during treatment he

died. He submits that petitioner is in custody since 30.09.2021 having clean antecedent and charge sheet has already been filed in this case. He also submits that charge has also framed in this case and trial has commenced. He specifically raised one point that in criminal law the intention is one of the fatal element. From the F.I.R. itself be transpires that there is no intention to kill.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IIIrd., Katihar in connection with Barari (Semapur) P.S. Case No. 105 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

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