

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25930 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- MAJORGANJ District- Sitamarhi

1. VINDESHWAR MAHTO SON OF LATE BATAHU MAHTO R/O VILLAGE- LALDASI, P.S.- MAJORGANJ, DISTRICT- SITAMARHI.
2. MAHESHWAR MAHTO SON OF LATE BATAHU MAHTO R/O VILLAGE- LALDASI, P.S.- MAJORGANJ, DISTRICT- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Virendra Kumar, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP.
For the Informant	:	Mr. Ayush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-02-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Majorganj P.S. Case No. 175 of 2020 registered for the offences punishable under Sections 341, 323, 302, 354, 504/34 of IPC.

The prosecution case, in short, is that on 13.11.2020 at around 4:30 PM, the informant's husband was assaulted by the accused persons resulting his death. It is further alleged that her



13 years old daughter having dragged on the ground was assaulted by sharp cutting weapon by the accused persons. It is alleged that when the matter of assault to her daughter was stated before her husband, both went to the house of accused persons to ask the reason for such brutal assault made to her daughter. On which petitioners and co-accused Nageshwar Mahto confined her husband forcefully in bamboo made room and accused Nageshwar Mahto assaulted her husband inside the said bamboo room whereas petitioners guarded the said bamboo room by not allowing anyone to rescue the informant's husband. It is further alleged that wife, son and daughter of co-accused Nageshwar Mahto also assaulted the informant's husband with different weapons. After the said occurrence, her husband was taken to hospital where he died.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. It is further submitted that it appears from the FIR that there is no allegation of assault against the petitioners. Allegation of assault is against co-accused Nageshwar Mahto, Nagina Devi, Ajay Kumar, Kajal Kumari and Anshu Kumari. Learned counsel further submits that only allegation against the petitioners is that they were guarding bamboo room and restrained the persons to



enter into the said bamboo room. He further submits that petitioners are in custody since 15.11.2020.

Learned counsel for the informant and learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail of the petitioners on the ground that petitioners are named in the FIR. They further submits that petitioners carry one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Sitamarhi in connection with Majorganj P.S. Case No. 175 of 2020, subject to the following conditions:-

1. Petitioners 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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