

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22571 of 2022

Arising Out of PS. Case No.-154 Year-2016 Thana- EKMA District- Saran

=====

Jitendra Mahto @ Jitendra Kumar Mahto Son Of Sri Ganesh Mahto R/O
Village- Ekma, P.O. And P.S.- Ekma, District- Saran At Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate.

For the Opposite Party/s : Mr.Atul Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Ekma
P.S. Case No. 154 of 2016 registered for the offence under
Section 302 read with 34 of the Indian Penal Code.

Allegedly, the petitioner and co-accused persons
caught hold the informant's son and thereafter, forcibly dragged
him inside a room of house of co-accused and assaulted him by
means of lathi, danda and Iron Rod and thereafter on hearing cry
of the victim his father and others arrived at the room and
rushed the victim to hospital, where he died during the course of
medical treatment, and the informant alleged that his deceased



son was having love affair with daughter of one Saral Mahto due to which the accused persons killed his son.

The main submissions advanced by learned counsel for the petitioner are that during the investigation the police found the petitioner to be innocent and accordingly he was not sent up but during the trial relying on the testimony of some witnesses the trial Court summoned the petitioner and in the present case most of the co-accused persons have been considered for bail vide orders passed in Cr. Misc. No. 5420 of 2017 and Cr. Misc. No. 8149 of 2017.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and also the fact that co-accused persons namely Aklu Mahto, Jhamlal Mahto, Ganesh Mahto, Upendra Mahto, Samita Devi are on bail granted by different benches of this Court and in the FIR there is no any specific allegation against the petitioner who is under trial and as per learned counsel for the petitioner the charge is to be framed and petitioner's case is at initial stage of trial, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the



like amount each to the satisfaction of concerned Court in Connection with Ekma P.S. Case No. 154 of 2016, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

sangam/-

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

