

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23287 of 2022

Arising Out of PS. Case No.-121 Year-2019 Thana- SURSAND District- Sitamarhi

1. Shiv Sharan Mahto Son of Dharkhan Mahto Resident of village - Majhaura, P.S.- Sursand, District - Sitamarhi.
2. Chandan Kumar Son of Bhikhari Mahto Resident of village - Majhaura, P.S.- Sursand, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Sursand P.S. Case No. 121 of 2019 lodged under Sections 147,
148, 149, 341, 323, 325, 302 and 504 of the Indian Penal Code.

The prosecution story is that, there are eleven persons
named in the F.I.R. against whom allegation was made that they
assaulted the father of the informant by which father of the
informant succumbed to the injuries. Specific allegation upon
the present petitioners is to attack on the informant.

Learned counsel for the petitioners submits that initially the case has been filed under the different sections of I.P.C. but subsequently charge sheet and cognizance has been taken under Sections 341, 323, 325, 504 and 304/34 of the Indian Penal Code. It has also been submitted that the co-accused persons of this case namely Subadhi Devi, Bhikhari Mahto, Vinod Mahto, Rajdeo Mahto and others have been granted bail by the Co-ordinate Bench of this court vide order dated 19.10.2020 passed in Cr. Misc. No.27567 of 2020, order dated 03.02.2021 passed in Cr. Misc. No. 26873 of 2020, order dated 22.01.2020 passed in Cr. Misc. No. 4074 of 2020 and order dated 24.05.2022 passed in Cr. Misc. No. 24749 of 2022 respectively.

Learned counsel for the State opposes the prayer for bail.

Considering the facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupari, Sitamarhi in connection with Sursand P.S. Case No. 121 of 2019, 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.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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