

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35841 of 2021

Arising Out of PS. Case No.-249 Year-2019 Thana- DIGHWARA District- Saran

1. KRISHNA MAHTO Son of Jang Bahadur Mahto Resident of Village - Kasmar, P.S. - Sonapur, District - Saran.
2. Shivnath Mahto Son of Ganga Mahto Resident of Village - Kasmar, P.S. - Sonapur, District - Saran.
3. Mukesh Mahto Son of Awadhesh Mahto Resident of Village - Saidpur, P.S. - Sonapur, District - Saran.
4. Doman Mahto Son of Surendra Mahto Resident of Village - Saidpur, P.S. - Sonapur, District - Saran.
5. Ram Awatar Mahto Son of Jamuna Mahto Resident of Village - Saidpur, P.S. - Sonapur, District - Saran.
6. Anil Sahani @ Anil Kr. Sahani Son of late Ram Balak Sahani Resident of Village - Saidpur, P.S. - Sonapur, District - Saran.
7. Laxman Rai Son of Late Gopal Rai Resident of Village - Saidpur, P.S. - Sonapur, District - Saran.
8. Jaikishun Paswan Son of Satrugan Paswan Resident of Village - Saidpur, P.S. - Sonapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwanath Prasad Sinha, Sr. Adv. Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-01-2022 Heard Mr. Vishwanath Prasad Sinha, learned senior counsel for the petitioners and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the State through video conferencing.

Petitioners seek regular bail in connection with
Dighwara PS Case No. 249/2019 registered for the offence



punishable under Sections 147, 148, 149, and 302 of the IPC.

As per First Information Report, in the firing which took place near Diyara, informant's husband died in the said firing and on the said information, when the informant went to the place of occurrence in search of her husband, she was told that her husband has been killed by the accused persons named in the FIR and the dead body has been thrown near Diyara. It is further alleged that her husband has been killed by means of Lathi, Danda, brick, spade etc.

Learned senior counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have been made accused with altogether six named accused persons and 10 to 15 unknown persons on the basis of information, allegedly, received by the informant from the villagers. He further submits that merely on the basis of suspicion and due to previous enmity, petitioners have been implicated in this case and similarly situated co-accused persons, who were named in the FIR, have already been granted bail by different Co-ordinate Benches of this Court *vide* Cr. Misc. Nos. 87177/2019, 543/2020.

Regards being had to the submissions made by the parties and taking into consideration the material on record and



the fact that there is no specific allegation against the petitioners and similarly situated accused persons have been granted bail by Co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioners subject to the conditions that (1) petitioners shall fully co-operate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioners (2) both the bailors shall be resident of the territorial jurisdiction of the learned court below and (3) the petitioners shall not leave the country without permission of the trial court.

Accordingly, let the petitioners, named above, 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with Dighwara PS Case No. 249/2019.

(Anil Kumar Sinha, J)

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