

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36177 of 2021**

Arising Out of PS. Case No.-202 Year-2012 Thana- AMDABAD District- Katihar

Raj Kumar Mahto @ Raj Kumar, Son of Late Balloram Mahto, Resident of
Village- Amtalla, P.S.- Manikchak, District- Malda (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

8 12-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ram Chandra Sahani and Mr. Satendra
Narayan Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Amdabad P.S. case no. 202 of 2012 registered
for the offences punishable under Sections 147, 148, 149, 324,
302 of the Indian Penal Code, Section 27 of the Arms Act and
Sections 3/4 of the Exclusive Substance Act.

As per prosecution case, it is alleged that on
07.09.2012 while the informant along with his wife and
daughter-in-law were in their house, altogether 14 named
accused persons came and started indiscriminate firing and
thrown bombs due to which the grand-sons of the informant,



namely, Ajay Kumar and Sanjay Kumar, sustained firearm injury and later on one of them (Sanjay Kumar) died. It is also alleged that the wife of the informant also received injury of bomb in leg and his son has also received injuries of bombs.

Learned counsel for the petitioner submits that there is general and omnibus allegation against all the F.I.R. named accused persons and no specific allegation of any overt act has been attributed against the petitioner. It is next submitted that the petitioner is a labourer and he had been residing in other State for his livelihood, therefore, he was not even aware with regard to the institution of the present case and due to which he could not surrender before the court and prayed for bail. It is next submitted that this petitioner is in custody since 15.01.2021 and moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner remained absconded for about 8-9 years, though he is named in the F.I.R.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is named in the F.I.R., however, there is no specific



allegation against the petitioner, apart from the fact that some of the co-accused persons, who were sent up for trial, have been acquitted by the learned trial court, let the petitioner be released on bail, after framing of charge, on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No. 202 of 2012, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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