

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25417 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- SIMULTALLA District- Jamui

1. Manoj Mahto @ Manoj Kushwaha Son Of Ugan Mahto
2. Sunil Mahto @ Sunil Kumar Son Of Late Kuldeep Mahto
3. Mohan Mahto Son Of Ramdev Mahto
All R/O Village- Gadi Telwa, P.S.- Simultala, District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioners, the State and the learned counsel for the informant.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection with Simultalla P.S. Case No.92/2021 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 326, 302, 307, 447, 504 of the Indian Penal Code.

As per the allegation in the FIR, the accused persons due to land dispute surrounded the informant side and it is alleged that they assaulted one Mitthu Mahto and Govind Mahto. The specific allegation is against Ramdeo Mahto, Uttam Mahto, Gautam Mahto, Kishore Mahto and Nandlal Mahto that



they used 'Tangi' to hit the chest of the Mitthu Mahto, who subsequently succumbed to the injuries. So far as the petitioner no.1 is concerned, it is alleged that he hit on the back of the deceased Mitthu Mahto, allegation against the petitioner no.2 is of hitting her right hand whereas against the petitioner no.3, it has been alleged that he along with one Suresh Mahto assaulted and hit the right hand of one Govind Mahto.

Learned counsel for the petitioners submit that the perusal of the FIR shows that specific allegations are against the other accused persons named above. So far as these petitioners are concerned, the allegation is of hitting on the hand as also on back.

Learned counsel for the informant submits that all the accused persons made unlawful assembly and with the intention to kill were hitting the informant's side in which while Mitthua Mahto succumb to the injuries Govind Mahto was badly injured.

Learned APP echoes the statement of the learned counsel for the informant.

Specific allegations have been made against Ramdeo Mahto, Uttam Mahto, Gautam Mahto, Kishore Mahto, Nandlal Mahto who have assaulted with 'Tangi' over the chest of Mitthu Mahto and on petitioner no.1 that he hit on the back of Mithu



Mahto. So far as petitioner nos.2 and 3 are concerned, allegation is that of assault on the hands of Govind Mahto. This Court is thus inclined to grant bail to petitioner no.2 Sunil Mahto @ Sunil Kumar and petitioner no.3 Mohan Mahto. So far as the petitioner no.1 is concerned, in view of the fact he has hit on the back of the deceased Mitthu Mahto, this Court for the present is not inclined to grant him privilege of bail which is accordingly rejected.

Let the petitioner no.2 Sunil Mahto @ Sunil Kumar and petitioner no.3 Mohan Mahto be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Simultalla P.S. Case No.92/2021 to the satisfaction of learned A.C.J.M., Jamui, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of their bail bonds.

With the aforesaid observations, while the bail application of petitioner no.1 is rejected, so far as petitioner no.2 and petitioner no.3 are concerned, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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