

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37020 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- JAMUI District- Jamui

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Bikash Kumar @ Bikash Kumar Mahto Son of Bangali Mahto Resident of
Village - Baruatta, P.S. Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Narayan Singh

For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-01-2022 Heard both parties through video conferencing.

The petitioner seeks bail in Jamui P.S. Case No. 222 of 2020, registered for the offence punishable under Sections 307, 323 and other allied sections of the Indian Penal Code.

As per the FIR, while the informant was working inside her house this petitioner along with two co-accused persons variously armed came there and when informant asked the reason for being there, one of the accused person pressed her mouth. In the meantime, *Jaut* of informant Vicky Kumar came to rescue, but the accused persons assaulted him by iron rod and stick. When *Bhaisur* of informant tried to intervene he was also assaulted by Sulo Mahto with iron rod. Thereafter, all the accused persons fled away.

It is submitted on behalf of the petitioner that as per FIR petitioner along with two co-accused assaulted Vicky, but



during course of investigation, informant in her restatement and injured Mahindra Singh (Para, 7, 8, 9 of the CD) have specifically stated that it was co-accused Ashok Mahto who assaulted the deceased by iron rod on his head, as a result of which he sustained injury causing his death. The assertion of informant made in FIR is further falsified by the postmortem report, as only one injury was found by the doctor in the postmortem report which is attributed to co-accused Ashok Mahto, causing his death. It is next submitted that co-accused Ashok Mahto has already been granted bail by this Court. Petitioner claims clean antecedent and he is in custody since 17.02.2021.

However, counsel for the informant as well as learned APP opposed the bail application and submitted that petitioner is named in the FIR and there is specific allegation that he also assaulted the deceased.

Considering the rival submissions and materials available on record and the fact that in the postmortem report only one injury was found on the head of the deceased which is attributed to co-accused Ashok Mahto who has been granted bail by this Court, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 222 of 2020.

(Prabhat Kumar Singh, J)

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