

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27377 of 2022

Arising Out of PS. Case No.-264 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Sonu Kumar Mahto S/o Ramnandan Mahto, R/o Village- Khanjhapur Ward No.7, P.S.- Cheriabariyarpur, Dist- Begusarai.
 2. Mukesh Kumar Mahto S/o Ramnandan Mahto, Resident of Village- Khanjhapur Ward No.-07, P.S.- Cheriabariyarpur, Dist- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the Informant	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-10-2022 Let the defect(s), 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
Cheriyabariyarpur P.S. Case No. 264 of 2020 lodged under
Sections 341, 323 and 302/34 of the Indian Penal Code.

There is specific allegation against the petitioners
alongwith Rajesh Mahto, Mukesh Kumar Mahto, Jagwali
Kumar and Chhotu Kumar to assault the deceased by bricks
upon his chest and head, in result he was injured and
subsequently during treatment he died in the hospital.

Learned counsel for the petitioners submit that petitioners are innocent and have committed no offence. He further submits that the present dispute has caused due to land for which Title Suit No. 129 of 1998 is going on. He further submits that the injury on the body does not corroborates the allegations made in the F.I.R.. He further submits that petitioner no.1 is in custody since 07.03.2022 and petitioner no.2 is in custody since 03.03.2022. He further submits that the antecedent of petitioner no.1 is clean whereas there is one case pending against petitioner no.2 in which he is on bail. He further submits that charge sheet has already been filed in this case. He further submits that two co-accused persons have already been granted bail by the Co-ordinate Bench of this Court vide order dated 12.01.2022 passed in Cr. Misc. No. 38659 of 2021.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioners and their family are influential persons whereas informant is very poor. He further submits that after getting bail, accused Ramnandan Mahto and Rajesh Mahto have assaulted to withdraw the case and in this regard Begusarai Nagar P.S. Case

No.383 of 2022 dated 02.07.2022 was filed by the informant side.

In the present facts and circumstances of the case, I am not inclined to grant bail to the petitioners at present and therefore, the bail petition of the petitioners are hereby rejected.

Liberty is hereby granted to the petitioners that they may renew their prayer for bail after 6 months from the date of framing of charge in this case and upon move before the Trial Court, the Trial Court shall release these petitioners on bail imposing its own conditions so that they shall not evade their appearance during trial.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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