

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40161 of 2021**

Arising Out of PS. Case No.-187 Year-2020 Thana- BALIYA District- Begusarai

1. Fulena Mahto, son of Bhikhari Mahto,
2. Parmanand Mahto, son of Ramjeet Mahto,
Both are resident of Village - Hetampur Mirzapur, P.S-Balia, District-
Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Anant Kumar 1, Advocate
For the Opposite Party : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-02-2022 Learned counsel for the petitioners undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr.
Madhura Nand Jha, learned Additional Public Prosecutor for the
State.

Petitioners, in the present case, are seeking regular
bail in connection with Balia P.S. Case No. 187 of 2020
registered for the offences under Sections 341, 342, 323, 379
and 302/34 of the Indian Penal Code. Petitioners have got one
criminal antecedent as stated in paragraph '3' of the present
application. It is submitted that this case was registered after the
present case. They have remained in custody in connection with



this case since 08.12.2020.

Learned counsel for the petitioners submits that from the First Information Report, it will appear that the allegations are general and omnibus against eight named and three unnamed accused. It is alleged that all of them had assaulted the father of the informant by *Lathi, danda*, hand and fists blow. It is submitted that the alleged occurrence took place on 23.06.2020, however, the father of the informant died at P.M.C.H. on 28.06.2020 and only after death the informant gave his fardbeyan, chance of false implication as an afterthought cannot be ruled out.

Learned counsel further submits that the post-mortem report does now show any external or internal injury. The cause of death is due to gangrenous acute Cholecystitis with Septicemia. The police has submitted charge-sheet under Section 304/34 of the Indian Penal Code and the co-accused similarly situated has been granted bail by a learned coordinate Bench of this court in Cr. Misc. No. 2661/2021 after considering the case diary and the post-mortem report.

Mr. Madhura Nand Jha, learned A.P.P. for the State has admitted at the bar that the case of the petitioners would be similarly situated with the co-accused who has been granted bail



by a learned coordinate Bench of this court.

In these circumstances, this court directs release of the petitioners above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Begusarai in connection with Balia P.S. Case No. 187 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

