

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43851 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- PATORI District- Samastipur

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MRITUNJAY MAHTO@MRITUNJAY KUMAR MAHTO Son of Late Ram
Ishwar Mahto Resident of Village - Hassanpur Surat, P.S.- Patory, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr .Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as also learned counsel

for the Informant.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seek bail in connection with Patory P.S. Case

No. 81 of 2021 registered for the offences punishable under

Sections 147, 148, 149, 341, 323, 325, 307, 458 and 302 of the

Indian Penal Code.

The prosecution case, in short, is that on 19.03.2021 at

about 12.00 at midnight, when the Informant was sleeping in his

room, he heard the sound of crying of his elder brother

Shashikant Sharma. When he came out of his room, the accused

persons started to assault him with danda, bamboo and utensils

but, anyhow, he entered into the room of his brother where he



saw that unknown persons were sitting over his brother and trying to press his neck. When his brother tried to escape from there, the accused persons throw him from the roof to earth and fled away. On Hulla, the people came there and the S.H.O. and D.Y.S.P. were informed. On call, the Informant went to the Govt. Hospital where his brother was found dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He has falsely been implicated in this case merely on the basis of suspicion. He further submits that there is land dispute between the parties and on account of that, the petitioner has been made accused in this case. He further submits that from the F.I.R., it appears that there is general and omnibus allegation against the petitioner and there is no allegation of any overt act against him. Moreover, the co-accused, namely, Ajay Mahto @ Ajay Kumar has already been granted bail by this Court vide order dated 22.02.2022 passed in Cr. Misc. No. 36732 of 2021. The petitioner is in custody since 06.04.2021.

Learned Additional Public Prosecutor and the Informant have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Additional Chief Judicial Magistrate-II, Samastipur in connection with Patori P.S. Case No. 81 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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