

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44916 of 2021

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

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DHIRAJ KUMAR @ DHIRAJ MAHTO S/O VIDESHI MAHTO @
VIDESH MAHTO R/o village- Hasanpur Surat, P.S.- Patory, District-
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv .
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala,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 Patori (Shahpur

Patori) 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, who is of clean antecedent, 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, Mrityunjay Mahto @ Mrityunjay Kumar Mahto has already been granted bail by this Court vide order dated 22.02.2022 passed in Cr. Misc. No. 43851 of 2021. The petitioner is in custody since 21.03.2021.

Learned Additional Public Prosecutor and the Informant have vehemently opposed the prayer for bail of the petitioner.

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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