

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40634 of 2022

Arising Out of PS. Case No.-216 Year-2022 Thana- GORAUL District- Vaishali

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KAMLESHWAR MAHTO @ KAMAL MAHTO Son of Late Ramlagan
Mahto @ Ramnandan Mahto Resident of Village - Dhanushi , P.s.- Kartaha,
Distt.- Vaishali.,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-10-2022 Heard learned counsel for the petitioner, Informant
and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Goraul P.S. Case No. 216 of 2022 for the offences under
Sections 341, 323, 379, 427, 448, 302 and 34 of the Indian
Penal Code.

As per the prosecution story, the informant along with
his mother and brothers lives in Siliguri and his father was alone
at village. On the fateful day, the accuseds came at the informant
house and assaulted his father as a result of which he became
unconscious. It is further alleged that the accuseds damaged the



household items and also stolen the same. Informant's father was brought to P.H.C., Mahua for better treatment. Subsequently, he was taken to Patna but his father died on the way. Accordingly, the F.I.R. was lodged.

Learned counsel for the petitioner submits that the petitioner is brother-in-law (Bahnoi) of Ram Avatar Mehto who is having land dispute with the informant and his family members. He absolutely had nothing to do with the alleged occurrence and only because he is related to the family, his name has been dragged in this case. It is his further submission that the informant even as per the F.I.R. has not seen the actual occurrence and only on apprehension has implicated this petitioner. It is his last submission that the petitioner is in custody since 20.05.2022 and it has categorically been stated that he is a fruit vendor and sells seasonal fruits and never ever visits his in-laws house and as such has no concern with the present case.

Learned counsel for the informant, on the other hand, submits that an old man has been killed and the role of the accused persons including this petitioner cannot be exonerated and as such, he has opposed the bail.

Learned APP for the State, also echoes the sentiment



of the learned counsel for the informant submitting that the accused persons have resorted to assault causing the death of the informant's father.

Taking into account the aforesaid submission of the counsel for the petitioner that his brother-in-law of the accused Ram Avatar Mahto, has no concerned with the family members and does not visit his in-laws house, is a poor fruit vendor and never visits his in-laws house, is in custody since 20.05.2022, charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I Vaishali at Hajipur in connection with Goraul P.S. Case No. 216 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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