

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53238 of 2021**

Arising Out of PS. Case No.-325 Year-2021 Thana- TURKAULIYA District- East
Champaran

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JITU MAHTO @ JITENDRA MAHTO S/O DHARI MAHTO R/o village-
Semara, Belwatiya, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 60931 of 2021

Arising Out of PS. Case No.-325 Year-2021 Thana- TURKAULIYA District- East
Champaran

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RAKESH MAHTO S/o Sakindra Mahto @ Sakendra Mahato R/o village-
Semra, Belwatiya, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 53238 of 2021)

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

(In CRIMINAL MISCELLANEOUS No. 60931 of 2021)

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four
weeks.

Jitu Mahato @ Jitendra Mahto is the petitioner in Cr.
Misc. No. 53238 of 2021 while Rakesh Mahto is the petitioner
of Cr. Misc. No. 60931 of 2021.

The petitioners are in accused in connection with
Turakuliya P.S. Case No. 325 of 2021 was registered under



Sections 447, 302, 323, 354 and 506/34 of the Indian Penal Code lodged by the deceased's wife Jhuni Devi.

As per the allegation in the First Information Report, all the FIR named accused including Jitu Mahato @ Jitendra Mahto who are agnates suddenly entered into the house of the informant and pressed the mouth of informant's daughter and later committed murder by choking his throat. The accused persons further assaulted the informant's daughter and also tried to outrage her modesty. Earlier also dispute had arisen between the informant's family and the accused person in which the deceased was assaulted by Sikandar Mahato with '*farsa*' on his head that had led to lodging of the Turkauliya P.S. Case No. 323 of 2021 amongst others under Section 307 of the Indian Penal Code.

In this case, case diary was called for which has now been received.

Learned counsel for the petitioners submits that there is omnibus allegation against all the accused persons that they have assaulted and in the process had killed the husband of the informant, who was younger brother of Jitu Mahato @ Jitendra Mahato. He further submits that the petitioner, namely, Jitu Mahato @ Jitendra Mahto is in jail since 17.04.2021 whereas



Rakesh Mahto is in jail since 08.06.2021 (as stated in paragraph-9 of the aforesaid bail applications). He further submits that the petitioners are ready to abide by any terms and conditions this Court may impose, if granted the bail

Mr. Amit Kumar Rakesh & Mr. Mrityunjaya Kr. Gautam, learned APP for the State in two bail applications having gone through the different paragraphs of the case diary submit that the allegation in the FIR of all of them having assaulted the deceased has come.

Considering the fact that the omnibus allegation have been levelled against the petitioners of assaulting and killing the deceased, charge sheet stands submitted and they are in jail since 17.04.2021 & 08.06.2021 respectively, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 325 of 2021, subject to the following conditions :-

(i) both the petitioners shall appear before the Trial Court on each and every date and failure to do so even on one



occasion without any plausible reason will entail cancellation of their respective bail bonds by the learned Trial Court itself;

(ii) till the completion of the trial, both the petitioners shall visit the local police station every fortnight to mark their presence;

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

(iv) they shall under no circumstances visit the house of the informant and/or her land.

With the aforesaid observation, the bail applications are allowed.

(Rajiv Roy, J)

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