

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44773 of 2022**

Arising Out of PS. Case No.-73 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Mukendra Mahato, Son Of Chandra Deo Mahto, R/O Village- Ratan, P.S.-
Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 443 of 2021 arising out of
Nawkothe P.S. Case No. 73 of 2020 registered for the alleged
offences under Sections 302, 307 and 120(B)/34 of the Indian
Penal Code.

As per prosecution case, petitioner and other co-
accused persons came to the house of the informant and called out
his father. They tried to forcibly took away the father of the
informant with them and when he refused, co-accused Krishna
Kumar fired upon his father and when the mother of the informant
tried to save him, another co-accused Shatrughan Kumar fired



upon her. Mother of the informant died during her treatment and the father of the informant was undergoing treatment.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner except the fact that he is alleged to be a member of mob. Allegation of firing is against Krishna Kumar and Shatrughan Kumar. From the FIR, it is clear that the land dispute is admitted between the parties. Nothing incriminating has been recovered from the conscious possession of this petitioner or at his instance. Similarly situated co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 12.03.2021 passed in Cr. Misc. No. 1281 of 2021 and order dated 19.07.2021 passed in Cr. Misc. No. 2250 of 2021. The petitioner is in custody since 24.01.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and he is accused in three other cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and further considering the grant of bail to similarly placed co-accused persons and also considering the period of custody of the



petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Begusarai in connection with Nawkothe P.S. Case No. 73 of 2020, S.T. No. 443 of 2021 (G.R. No. 1682 of 2020), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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