

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54397 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- MAJORGANJ District- Sitamarhi

1. SIKINDER MAHTO @ SIKINDRA MAHTO SON OF LATE MUNCHUN MAHTO @ MUNCHAN MAHTO R/O VILLAGE- HIRLOVA, WARD NO. 12, P.S.- MAJORGANJ, DIST.- SITAMARHI
2. PAPPU KUMAR SON OF SIKINDER MAHTO @ SIKINDRA MAHTO R/O VILLAGE- HIRLOVA, WARD NO. 12, P.S.- MAJORGANJ, DIST.- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Advocate
for the Informant	:	
For the Opposite Party/s	:	Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code.

As per the prosecution case, it is stated that the 8 named accused persons including the two petitioners herein assaulted the informant, his wife as also his father-in-law leading to the death of the father-in-law of the informant.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the



FIR. The allegation of assault on the father-in-law of the informant is on co-accused Subhash Mahto and Raja Mahto and not the petitioners herein. The petitioners are said to have assaulted the informant and his wife. While the injuries on the informant are simple in nature, the injuries on his wife are on non-vital part of the body. The petitioners are in custody since 12.7.2021 and 14.7.2021 respectively. It is further submitted by learned counsel for the petitioners that a supplementary affidavit has been filed correcting the inadvertent error which has occurred in paragraph no. 3 of the petition. It has been stated in the affidavit that the petitioner no. 2 has an antecedent, details of which have been given in the supplementary affidavit.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is direct allegation against them of having assaulted the informant and others leading to serious injuries as also death of the father-in-law of the informant.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the nature of allegation against the two petitioners herein and the petitioners having remained in custody for about 10 months, the Court



directs the above two petitioners to be enlarged on bail in connection with Majorganj P.S. Case 51 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

(Partha Sarthy, J)

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