

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55917 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- HASANPUR District- Samastipur

1. SUNIL KUMAR @ SUNIL MAHTO
2. Laxman Mahto @ Lakshman Mahto
Both S/o Late Ram Saran Mahto @ Late Ramsharan Mahto R/o village-
Veerpur, P.S.- Hasanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Pratap, Advocate
		Mr. Uma Shankar, Advocate
For the Opposite Party/s	:	Mr.Md. Matloob Rab, App

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 30-03-2022 Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Sections 147,307,323,324,341,354,379,448,504,506 and 302 of the Indian Penal Code.

Informant has alleged in her written complaint on basis of which, the FIR was drawn that on 14.11.2020 at about 09:00 a.m. in the morning, while she was cooking in her house and her husband was sitting in the courtyard, on account of previous dispute, FIR named nine accused entered into their house and started looting and when she and her husband and daughter protested, accused, Ramkumar Mahto tried to outrage her

modesty and also misbehaved with her daughter and when her husband protested then Moti Mahto took out arms and fired upon her husband. However, same misfired and thereafter from the butt of gun, he assaulted on the head of her husband who sustained grievous injury. When her nephew tried to rescue her husband then FIR named accused Rama Mahto, Ramvilash Mahto and Ramchandra Mahto assaulted them with iron rod as a result of which, her nephew was seriously injured and thereafter they took away cash kept in the box of the house. Thereafter, husband of the informant was rushed to hospital where he died during the treatment.

It is submitted on behalf of the petitioners that there is general and omnibus allegation against them and there is no specific allegation of any overt act by them. Specific allegations are made against the other accused and they have been implicated in this case only because they are family members. There is land dispute between the parties and which was the reason for such incident. Petitioners have no criminal antecedent and they are in custody since 12.03.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties

of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sessions Trial No.173 of 2021 arising out of Hasanpur P.S. Case No. 254 of 2020, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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