

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48658 of 2022**

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

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Chhotelal Mahto S/o Dhari Mahto R/o village- Semra Belwatiya, P.S.-
Turkauliya, District- East Champaran Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the
defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Turkauliya P.S. Case No. 325 of 2021 registered for
the offences punishable under Sections 447, 302, 323, 354, 506/34 of
the Indian Penal Code. He is in custody since 20.07.2022. The
petitioner has got one criminal antecedent as stated in the
supplementary affidavit.

Learned counsel for the petitioner submits that as per the
prosecution story, all the FIR named accused including this petitioner
who are agnates entered the house of the informant and committed
murder of the informant's husband by pressing his neck with lathi
and outraged the modesty of daughter of the informant and fled
away.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 20.07.2022

Learned counsel submits that there is no specific allegation of commission of any overt act against the petitioner. It is submitted that co-accused similarly situated Jitu Mahto and Rakesh Mahto have been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 53238 of 2021 and Cr. Misc. No. 60931 of 2021 respectively.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein there is no specific allegation of commission of overt act against the petitioner, the petitioner is said to be the full brother of the deceased but there was no enmity between the petitioner and the deceased, as per FIR the enmity was between one of the brother Sakindra Mahto and the deceased and it was Sakindra who had earlier assaulted the deceased, further considering that the co-accused similarly situated namely Jitu Mahto and Rakesh Mahto have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 53238 of 2021 and Cr. Misc. No. 60931 of 2021 respectively, there being only one criminal antecedent of the petitioner in which he is said to be on bail and in connection with this



case, he has remained in custody since 20.02.2022, investigation against him is complete, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 325 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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