

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61384 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- BHEJA District- Madhubani

BASUDEO MAHTO Son of Aklu Mahto Resident of Village- Bheja, Police
Station- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Rama Kant Sharma, Sr. Advocate Lakshmi Kant Sharma, Advocate
For the State	:	Mr. Rajendra Nath Jha, Advocate
For the Informant	:	Mr. Manoj Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-05-2022 Heard learned senior counsel for the petitioner,
learned APP for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the accused persons including the petitioner herein are stated to have abused the informant and others. Thereafter, it is stated that on the orders of this petitioner the accused persons started to assault the informant and the members of his family. The petitioner assaulted Ghananand Mahto with an iron rod on his head. The other son of the informant, namely, Gopal Mahto was taken to



the hospital where he was in precarious condition.

It is submitted by learned senior counsel appearing for the petitioner that so far as the deceased Gopal Mahto is concerned, the allegation of overt act is not against this petitioner. The allegations at best can be said to be general and omnibus in nature. The petitioner is alleged to have assaulted Ghananand Mahto, however, the injury report does not support the prosecution case. The petitioner is in custody since 16.6.2021 and investigation in the case has concluded.

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 all the accused persons including the petitioner herein also assaulted Gopal Mahto leading to his death.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the allegations so far as the petitioner is concerned being in general and omnibus in nature so far as Gopal Mahto is concerned, the injury report not supporting the prosecution case so far as the allegation against Ghananand Mahto is concerned together with the petitioner having remained in custody for 10 months, the petitioner is directed to be enlarged on bail in connection



with Bheja P.S. Case no. 48 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1, Jhanjharpur, District Madhubani.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

