

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52467 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. GANGA PRASAD MAHTO @ GANGA RAM MAHTO Son of Late Deo Narayan Mahto R/V- Madhopur Chhatauna, Ward No. 1, P.S- Muffasil, Dist- Samastipur
 2. Balram Singh @ Kapildeo Singh Son of Late Rambilas Singh R/V- Chapta Najirpur, p.s- ujiarpur, Dist- Samastipur
 3. Raushan Kumar Suman @ Suman Kumar Son of Suryadeo Singh R/V- Chapta Najirpur, P.S- Ujiarpur, Dist- Samstipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Prasad Singh, Adv.
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Samastipur (M) P.S. Case No. 302 of 2021 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Sections 4, 5, 6 of Prevention of Witch Practices (Dian) Act.

As per prosecution case, in the first fold of prosecution story petitioners and others began to abuse the



informant's mother and entered in the house of informant where they searched informant's mother and also started breaking the house hold items. In the second fold of prosecution story, it is alleged that co-accused Balbeer Singh and petitioner Balram Singh thrashed the informant's mother. It is further alleged that co-accused Balbeer Singh sat on the chest of informant's mother and pressed as a result of which blood started oozing out from mouth and nose of informant's mother due to which she died.

Learned counsel for the petitioners submits that as per version of prosecution story, there is specific overt-act against co-accused Balbeer Singh and said co-accused Balbeer Singh has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 2368 of 2022. He further submits that there is only allegation of thrashing the informant's mother against petitioner Balram Singh. There is no specific allegation against the petitioners Ganga Prasad Mahto @ Ganga Ram Mahto and Raushan Kumar Suman @ Suman Kumar who are just the member of mob. Petitioners are in custody since 07.04.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that case of present petitioners stands on better footing to that of



co-accused Balbeer Singh who has already been granted bail by the co-ordinate Bench of this Court.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, co-accused Balbeer Singh has already been granted bail by the co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-V- cum A.C.J.M.-II, Samastipur in connection with Samastipur (M) P.S. Case No. 302 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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