

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65808 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

HARE KRISHNA MAHTO @ HARE KRISHNA MAHATO Son of
Tapeshwar Mahto Resident of Village- Nadwan, P.S.- Bhagwanpur Hat,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the informant	:	Mr. Rajat Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-04-2022 Heard learned counsel for the parties.

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

As per the prosecution case, the accused persons including the petitioner herein are stated to have come variously armed. Harichandra Mahto is said to have assaulted the son of the informant on his head with a farsa. It is further stated that the other accused persons also assaulted him. He was taken to the hospital for treatment where he is being treated for serious injuries.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case



because of dispute between the parties who are agnates. From the FIR the specific allegation is on Harichandra Mahto. The allegation on the petitioner and others are general and omnibus in nature. There is an unexplained delay of six days in giving information to the police with respect to the occurrence. The son of the informant died in course of treatment eight days later. The petitioner is in custody since 30.8.2021 and has no criminal antecedent. Charge sheet has been submitted in the case.

It is further submitted by learned counsel for the petitioner that a supplementary affidavit has been filed stating about the death of the mother of the petitioner.

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 petitioner is named in the FIR but there is allegation against all the accused persons including the petitioner herein of having brutally assaulted the son of the informant leading to his death. The allegations are supported from the contents of the postmortem report.

Having heard learned counsel for the parties and taking into consideration the general and omnibus allegation against the petitioner in the FIR together with the petitioner



having remained in custody since 30.8.2021 and charge sheet having been submitted, the Court directs the petitioner to be enlarged on bail in connection with Bhagwanpur Hat P.S. Case no. 190 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 Judicial Magistrate 1st Class, Siwan.

(Partha Sarthy, J)

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