

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2086 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- KASIMBAZAR District- Munger

1. RAKESH MAHTON Son of Kishor Mahtao Resident of Village - Mokbira Chain Tola, P.S.- Kasim Bazar, Distt.- Munger.
2. Kshatri Mahto Son of Parmeshwar Mahto Resident of Village - Mokbira Chain Tola, P.S.- Kasim Bazar, Distt.- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-09-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Kasim
Bazar P.S. Case No. 71 of 2021 registered for the offence under
Sections 147/148/149/449/452/354(B)/302/307/504/323/326 of
the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 27.08.2021.

The allegation against the petitioners is to commit
murder of the father and brother of the informant, by making



assault, causing injury, along with other co-accused persons, equipped with firearms, *Pharsa*, *Bhala* and *Khanti*, etc.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is nothing but free fight between the parties. It is also submitted that occurrence is the reaction of Kasim Bazar P.S. Case No. 70 of 2021, where one person died. It is also submitted that FIR in itself is sufficient to gather that allegation as regard to assault is very much general and omnibus against these petitioners. It is also submitted that allegation of firing is against Birendra Mahto, Ashok Mahto and Soni Mahto, as per FIR, whereas, allegation as regard to given fatal injury is against Kundan Mahto and Soni Mahto. It is also submitted that both the petitioner are man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as allegation, as regard to assault is very much general and omnibus against these petitioners rather same is specific



against co-accused persons coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Kasim Bazar P.S. Case No. 71 of 2021 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 7th Additional Sessions Judge, Munger/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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