

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3651 of 2023**

Arising Out of PS. Case No.-216 Year-2022 Thana- GORAUL District- Vaishali

Sanjeev Mahto @ Sanjeev Kumar S/O Ram Avtar Mahto Resident of Village-  
Sondho Mubarakpur, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
07.11.2022 in connection with Goraul P.S. Case No. 216 of  
2022, F.I.R. dated 19.05.2022 for the offences punishable under  
Sections 341, 323, 379, 427, 448, 302/34 of the Indian Penal  
Code.

The allegation against the petitioner and others is of  
brutally assaulting the father of the informant leading to his  
death.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that it appears  
from the F.I.R. that there is no specific allegation of any assault  
or overt-act is attributed against the petitioner rather there is



general and omnibus allegation against all the accused persons including the petitioner and in fact the informant is not the eye witness of the alleged occurrence. He further submits that similarly situated, co-accused, namely, Kamleshwar Mahto @ Kamal Mahto against whom the similar allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 18.10.2022 passed in Cr. Misc. No. 40634 of 2022 and another co-accused namely, Ram Avtar Mahto has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 18.03.2023 passed in Cr. Misc. No. 59444 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Goraul P.S. Case No. 216 of 2022, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step 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.

**(Rajesh Kumar Verma, J)**

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