

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16428 of 2023

Arising Out of PS. Case No.-71 Year-2019 Thana- BIDUPUR District- Vaishali

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Mannu Mahto Son of Kapil Mahto @ Kapildeo Mahto @ Kapil Dev Singh
R/v- Mathura, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
02.12.2022, in connection with Bidupur P.S. Case No. 71 of
2019, F.I.R. dated 10.02.2029 registered for the offences
punishable under Sections 341, 323, 326, 307, 379, 504, 506/34
of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he along with
other co-accused persons abused and assaulted the informant
and his family members and accused persons namely Pappu
Mahto and Mannu Mahto opened fire on the informant and one
of the shot caused injury to the informant in his head and they
also snatched money and golden watch of informant and his
nephew.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against the petitioner that he fired upon the informant but the injury report of the informant was kept reserved by the doctor as yet. He further submits that co-accused person namely Kapil Mahto @ Kapildeo Singh has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 23.07.2019 passed in Cr. Misc. No. 45157 of 2019, another co-accused persons namely Baleshwar Singh, Kishori Singh and Bhagdeo Singh have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 02.01.2023 passed in Cr. Misc. No. 57199 of 2022 and another co-accused persons namely Kamallesh Kumar, Radhe Singh and Akhilesh Kumar Singh have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 03.01.2023 passed in Cr. Misc. No. 58664 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the



petitioner and the petitioner is in custody since 02.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 71 of 2019, 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 witness, 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 antecedents, 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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