

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23239 of 2023

Arising Out of PS. Case No.-92 Year-2021 Thana- SIMULTALLA District- Jamui

MANOJ MAHTO @ MANOJ KUSHWAHA S/O UGAN MAHTO Resident
of Village- Gadi Telwa, P.S.- Simultala, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-05-2023 Heard the parties.

The petitioner is in judicial custody in connection with Simultalla P.S. Case No.92 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 325, 326, 302, 307, 447, 504 of the Indian Penal Code lodged on 02.12.2021 by the informant Kapildev Mandal.

As per the allegation in the FIR, the accused persons due to land dispute surrounded the informant's side and the further allegation is that they assaulted Mitthu Mahto and Govind Mahto. Specific allegation has been made against Ramdeo Mahto, Uttam Mahto, Gautam Mahto, Kishore Mahto and Nandlal Mahto that they used 'Tangi' to hit on the chest of the Mitthu Mahto, who subsequently succumbed to the injuries.

So far as the petitioner is concerned, it is alleged that he hit on the back of the deceased Mitthu Mahto.



Earlier the case was taken up and vide an order dated 11.08.2022, the same was rejected in Cr. Misc. No. 25417 of 2022 so far as the present petitioner is concerned.

Once again the present petition was filed.

Considering the fact that the petitioner is in custody since 24.12.2021 (as stated in para-11 of the petition) and one of the similarly placed co-accused, namely, Ramdev Mahto has since been released vide an order dated 17.04.2023 in Cr. Misc. No. 44072 of 2022, by a co-ordinate bench, this Court is inclined to extend him the privilege of bail, subject to certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Simultalla P.S. Case No.92 of 2021 to the satisfaction of learned Additional Sessions Judge, IInd, Jamui, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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