

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18507 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- BIBHUTIPUR District- Samastipur

1. Kailash Mahto, Son of Asharfi Mahto
2. Ram Nandan Mahto @ Ramnandan Mahto, Son of Sita Ram Mahto @ Sitaram Mahto
Both are R/o Village-Dih Boriya, P.S.- Bibhutipur (Vibhutipur),
District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 13, Advocate
Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in connection with
Bibhutipur P.S. Case No.26 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 302, 323 and 341 of
the Indian Penal Code.

Accused/petitioners named in the FIR and are in
custody since 09.01.2023.

Allegation against the petitioners is to commit the
murder of son of the informant by causing bodily injuries using
lathi, rod, etc. along with 26 named co-accused persons. The
reason of occurrence is not explained through present FIR.



It is submitted by learned counsel that no specific overt act attributed against the petitioner towards the commission of the offence and the allegation is appearing on its face very general and omnibus. It is submitted that similarly situated co-accused persons have already granted bail by different learned co-ordinate Bench of this Court and in support of his submission, learned counsel pointed out the order of Cr. Misc. No.22933 of 2022 dated 26.07.2022 and other orders of this Court which are the part of Annexure-2 series of the present bail petition. While concluding argument, it is pointed out that petitioners are men of clean antecedent and moreover investigation of this case is completed for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for bail of the petitioners.

In view of the above-mentioned facts and circumstances and by taking note of nature of allegation as to cause assault is appearing very much general and omnibus against petitioners, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 09.01.2023, accordingly, the petitioners, above-named, are directed to be



released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Rosera, Samastipur in connection with Bibhutipur P.S. Case No.26 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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