

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20698 of 2023

Arising Out of PS. Case No.-338 Year-2020 Thana- HUSSAINGANJ District- Siwan

RAMNATH MAHTO Son of Late Bangali Mahto @ Late Thakur Mahto R/V-
Chhapiya Bujurg, P.S- Hussainganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-05-2023 Heard Bijay Prakash Singh, learned counsel for the
petitioner and Mr. Rabindra Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner renews his prayer for regular bail in
connection with Hussainganj PS Case No. 338/2020 dated
04.12.2020 registered for the offence punishable under Sections
147, 148, 341, 323, 324, 307, 308, 379, 504, 506 of the IPC and
Section 302 IPC was later on added.

3. As per First Information Report, the petitioner
along with 18 FIR named accused persons, allegedly, assaulted
the informant and her other family members including her son
and the petitioner has allegedly assaulted the son of the
informant by means of iron rod, due to which, he died in the
hospital.

4. Learned counsel for the petitioner submits that



this is the second attempt for grant of bail on behalf of the petitioner inasmuch as his bail application was rejected earlier by this Court *vide* order dated 02.03.2022 passed in Cr. Misc. No. 31855/2021. He next submits that admittedly there is land dispute between the parties and they are co-villagers. There is general and omnibus allegation against all the accused persons who are nineteen in number that they all assaulted the informant and her son. Learned counsel next submits that while rejecting the bail application of the petitioner on the last occasion, this Court had granted liberty to renew his prayer for bail after one year if the trial does not show any progress. It is further submitted that the petitioner is in custody since 18.12.2020 having clean antecedent.

5. This Court *vide* its order dated 05.04.2023 had called for a report from 1st Additional Sessions Judge-cum-Special Judge, Siwan. Pursuant to the order of this Court, the report *vide* letter no. 246 dated 18.04.2023 has been received and from perusal of the same it appears that out of eight charge-sheet witnesses only one witness has been examined and seven witnesses are yet to be examined.

6. Regards being had to the submissions made by the parties, taking into consideration the material on record and the



fact that this is the second attempt on behalf of the petitioner, he is in custody for about 2 and ½ years since 18.12.2020 having clean antecedent, trial has not progressed substantially from the date of last rejection of the bail application of the petitioner, occurrence had taken place due to land dispute between the parties and they are co-villagers, I am inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

7. Accordingly, let the petitioner, RAMNATH MAHTO be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st ADJ-cum-Special Judge, Siwan in connection with Hussainganj PS Case No. 338/2020.

(Anil Kumar Sinha, J)

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