

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24581 of 2023

Arising Out of PS. Case No.-3 Year-2021 Thana- KURSAILA District- Katihar

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SUBODH MAHTO @ SUBODH KUMAR @ SUBOL MAHTO @ SUBODH MAHTO S/O CHATHTHU MAHTO Resident of Village- Gandhigram Bind Toli, P.S.- Kursela, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Kursela P.S. Case No. 03 of 2021 for the offence punishable under Section 302 of the I.P.C. and section 27 of the Arms Act lodged on 2.1.2021 by the informant, Karamchand Mahto.

As per the prosecution story, the allegation is that the informant's brother Jaylal Mahto used to reside with Niro Mahto and worked in his farm house and used to help him in farming. On 1.1.2021 Jaylal Mahto died. However, since injuries were there, the FIR.

It is the case of the learned counsel for the petitioner



that there was a party on the occasion of New Year given in the house of Niro Mahto and later, the informant's brother died. Omnibus allegation is there against those present in the party of assault and killing him. It is his submission that considering all the aforesaid facts, the other similar placed accused persons namely Santosh Mahto and Prakash Mahto have been extended the benefit of bail by a coordinate benches of this Court in Cr. Misc. No. 67877 of 2022 and Cr. Misc. No. 24649 of 2023 respectively.

Let the same be kept on record.

Further a perusal of the Annexure-3 shows that Niro Mahto at whose place, the informant's brother (deceased) was working has also been extended the benefit of bail in Cr. Misc. No. 49954 of 2022 (after framing of the charge).

Learned APP opposes the prayer but concedes that the allegations are omnibus in nature.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also similar placed co-accused have since been released on bail as stated above, he has remained in custody since 11.11.2022 (para-23 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kursela P.S. Case No. 03 of 2021 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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