

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22695 of 2022

Arising Out of PS. Case No.-211 Year-2020 Thana- SARAI District- Vaishali

SANTOSH MAHTO SON OF LATE BAIJU MAHTO R/O VILLAGE-
AKHTIYARPUR PATEDHA, P.S.- SARAI, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh, Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307, 323, 337, 338, 341, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that on the cousin brother of the informant going to the petitioner to ask for his balance amount, some dispute started and thereafter all the accused persons including the petitioner herein came variously armed. As a result of assault by Sultan Mahto, Prem Mahto, Amarnath Mahto and the petitioner herein, the informant's mother sustained grievous injuries and subsequently died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. The



postmortem report does not support the allegations in the F.I.R insofar as the allegation of assault by four accused persons. Co-accused Prem Kumar @ Prem Mahto has been enlarged on bail vide order dated 23.8.2021 passed in Cr. Misc. no. 17247 of 2021 (Annexure-5). The petitioner is in custody since 23.2.2022.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the general and omnibus allegation against the petitioner and others, the case of the petitioner standing on a similar footing to that of co-accused Prem Kumar @ Prem Mahto who has been enlarged on bail by the aforesaid order dated 23.8.2021, the petitioner being in custody since 23.2.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Sarai P.S. Case no. 211 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XVI, Vaishali, Hajipur.

(Partha Sarthy, J)

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