

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27731 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- BIBHUTIPUR District- Samastipur

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Sashi Mahto @ Shashi Kumar Son Of Ram Babu Mahto R/O Village -
Damodarpur, P.S.- Bhagwanpur, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No.441 of 2022 registered for the offence
under Sections 302 and 120-B/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.12.2022.

The allegation against the petitioner is to commit
murder of the son of informant alongwith other named co-



accused persons by causing fatal assault using sharp edged weapon '*pagaria*'.

Learned counsel appearing on behalf of the petitioner submitted that allegation against this petitioner is very much general and omnibus as per narration of the F.I.R., where specific allegation to cause fatal head injury is available against co-accused Suraj Mahto. It is submitted that even the version of F.I.R. is creating a doubt whether informant of this case is eye-witness or not. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the nature of assault, which is appearing very much general and omnibus against this petitioner coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 01.12.2022, let above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No.441 of 2022 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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