

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27512 of 2023

Arising Out of PS. Case No.-54 Year-2020 Thana- VIDYAPATINAGAR District- Samastipur

Chotu Mahto S/O Vinod Mahto Resident of Village- Sherpur, P.S.-
Vidyapatinar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 15.09.2022, in connection with Sessions Trial No. 204 of 2021 arising out of Vidyapatinar P.S. Case No. 54 of 2020, F.I.R. dated 21.03.2020 registered for the offences punishable under Sections 307, 323, 341, 504/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

Allegation against the petitioner is that he along with other co-accused persons surrounded and assaulted the husband of the informant and co-accused Vinod Mahto ordered to kill whereupon co-accused Deepak Mahto assaulted upon the head of the husband of the informant with fighter causing grievous injury and fell down and became senseless.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears from the F.I.R. is in two parts, in first part there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against co-accused person namely Deepak Mahto who assaulted with iron fighter upon the husband of the informant and the husband of the informant sustained injured and during course of treatment he died. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Dalsingsarai, Samastipur in connection with Sessions Trial No. 204 of 2021 arising out of



Vidyapatnagar P.S. Case No. 54 of 2020, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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