

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33460 of 2023**

Arising Out of PS. Case No.-92 Year-2021 Thana- SIMULTALLA District- Jamui

Ganesh Mahto Son Of Late Shankar Mahto R/O Village- Telwa, P.S.-  
Simultalla, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Prakash Mahto, Advocate    |
| For the Opposite Party/s | : | Mr. Sanjay Kumar Tiwary, APP   |
| For the Informant        | : | Mr. Jyoti Ranjan Jha, Advocate |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      23-06-2023                      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 Simultalla P.S. Case No.92 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 326, 302, 307, 447 and 504 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 11.01.2023.

The allegation against the petitioner is to commit murder of the brother of informant alongwith 19 named co-accused persons by causing several bodily injuries, where petitioner is alleged to cause injury on lower leg of deceased by using axe (*tengari*).



Learned counsel appearing on behalf of the petitioner submitted that allegation of assault causing death of injured is appearing very much general and omnibus against this petitioner. It is submitted that from the bare perusal of F.I.R. it can be safely gathered that petitioner was not under intention to cause death of the brother of informant for the reason that only single injury was caused during the course of occurrence on the non-vital part of the body. It is submitted that this is a case of family implication and out of said motive false implication of the petitioner was made. While concluding the argument, it is submitted that 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 duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that petitioner actively participated in the occurrence, where death of the brother of informant takes place.

In view of the facts and circumstances as mentioned above as allegation against petitioner is to cause injury on the non-vital part of the body i.e., on the lower leg of the deceased, which is single and non-repeated and is not appearing to cause death in the ordinary course of nature coupled with the fact that



charge-sheet has already been submitted, where petitioner is in custody since 11.01.2023, let above named petitioner is directed to be released on bail in connection with Simultalla P.S. Case No.92 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui/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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