

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37794 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- TETERHAT District- Lakhisarai

VIRENDRA MAHTO Son of Chando Mahto @ Chano Mahto Resident of
vill - Khairi, Mahsona, P.S. - Tatarhat, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Muneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Tatarhat P.S. Case No. 92 of 2022 registered for the offence
under Section Sections 341, 323, 325, 307, 304, 504, 506/34 of
the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 27.10.2022.

4. The allegation against the petitioner is to cause
death of minor daughter of informant on 23.09.2022 at about
3:00 P.M., while petitioner and his wife were alleged to
assaulting their father/father-in-law, where daughter of
informant received injury during the course of occurrence by
lathi using by this petitioner.



5. Learned counsel appearing on behalf of the petitioner submitted that the allegation as to cause death is appearing not specific against this petitioner, rather same is available against co-accused Mamta Devi, who has already been granted bail by learned Trial Court itself and having same allegation the prayer for bail of this petitioner was rejected by learned Trial Court, being husband of co-accused Mamta Devi only. It is submitted that petitioner also lodged a complaint case against informant from jail, which has been registered as Complaint Case No. 62 of 2023. It is further submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge that his act may likely to cause death. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation to cause death of daughter of informant is not appearing specific against this petitioner coupled with the fact that charge-sheet has



already submitted, where petitioner is in custody since 27.10.2022, accordingly, above named petitioner is directed to be released on bail in connection with Tetarhat P.S. Case No. 92 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Lakhisarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That accused/petitioner shall not interact with any prosecution witnesses during the course of trial in whatsoever manner, failing which learned Trial Court shall be at liberty to cancel the bail bond of this petitioner after pressed by State or informant.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption



from physical appearance be allowed
by the learned Trial Court, only on
medical ground of the petitioner duly
supported by the documents.

(iii) That one of the bailors
shall be deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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