

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49209 of 2023

Arising Out of PS. Case No.-177 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Mantosh Mahto Son Of Late Kapil Mahto R/O Vill- Salempur, P.S.-
Sidhwalia, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Sidhwalia P.S. Case No. 177 of 2021 dated 05.06.2021 registered for the offences punishable under Sections 341, 323, 324, 307, 364, 506, 504 302 and 201 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted brutally the informant's son after tying his hands and legs. When the



informant went to rescue, she was assaulted by the petitioner with knife which caused cut injury on her hand. The petitioner and the co-accused persons committed murder of the informant's son and his dead body was disappeared.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that the post-mortem report does not support the prosecution story as the cause of death is due to Asphyxia in a case of drowning. The petitioner is accused in two other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 16.02.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Sidhwalia P.S. Case No. 177 of 2021, with the condition :-



(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Alok Verma/-

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