

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64965 of 2023

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

Vikash Kumar, aged about 19 years (M), Son of Suresh Mahto, R/o vill -
Gadhi Telwa, P.S. - Simulta, Distt. - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Raj Kishor Singh, A.P.P.
For the Informant	:	Mr. Jyoti Ranjan Jha, Advocate

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

ORAL ORDER

2 12-10-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Simultala P.S. Case No. 92 of 2021 dated 02.12.2021 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 302, 307, 447 and 504 of the I.P.C.

3. As per the prosecution case, the petitioner and the co-accused persons holding tangi, rod and lathi forming unlawful assembly came to the informant's field and forbade harvesting. On being objected, they started assaulting the informant, Mithu Mahto and Govind Mahto. Accused Janwaria Mahto assaulted on the right leg of Mithu Mahto causing cut



injury. Accused Ganesh Mahto assaulted on the left leg with tangi causing cut injury. Mohan Mahto assaulted on his right hand with rod causing fractured injury. Sudhir Mahto assaulted on his left hand with intent to kill. The co-accused Ramdev Mahto, Uttam Mahto, Gautam Mahto, Kishore Mahto and Nandlal Mahto assaulted on his chest from behind. Accused Manoj Mahto assaulted on the left hand of Govind Mahto with rod causing broken injury and he also assaulted on the back of Mithu Mahto. Accused Vijay Mahto and Vinay Mahto assaulted on the head of Govind Mahto with tangi and they also assaulted on the abdomen of Mithu Mahto. The co-accused Sunil Mahto and Suresh Mahto assaulted on the right hand of Govind Mahto with tangi and they also assaulted on the thigh of Mithu Mahto with intent to kill. The co-accused Karu Mahto and Vikash Mahto (petitioner) assaulted on the left leg causing fractured injury and both of them also assaulted on the back of Mithu Mahto. Runa Devi, Gautam Mahto and wives of Uttam Mahto, Ganesh Mahto, Manoj Mahto and Sunil Mahto assaulted with lathi and rod in fallen condition. The co-accused Nageshwar Mahto brutally assaulted both of them with lathi. The injured Mithu died on the way to hospital.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner has two criminal antecedents in which he is on bail, as stated in paragraph no. 3 of the bail petition. The petitioner and the informant are the co-villagers and several criminal cases as well as civil cases are pending between them. The petitioner is a member of unlawful assembly. The petitioner shot on the left leg and the back of the deceased of the person of the deceased. Other co-accused persons have been granted bail by Co-ordinate Benches of this Court vide Cr. Misc. No. 18058 of 2022 under order dated 25.05.2022, Cr. Misc. No. 44072 of 2022 under order dated 17.04.2023 and Cr. Misc. No. 33460 of 2023 under order dated 23.06.2023. He is in custody in this case since 10.07.2023.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, 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 the learned Court concerned, Jamui, in connection with Simultalla P.S. Case No. 92 of 2021.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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