

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63378 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- BIBHUTIPUR District- Samastipur

BALDEO MAHTO @ BALDEV MAHTO Son of Paltu Mahto R/V- Dih
Boriya @ Boriyadih, P.S- Vibhutipur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Vibhutipur P.S. Case No. 26 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 302, 323 and 341 of
the Indian Penal Code.

As per the prosecution, the informant' son was beaten
to death by this petitioner along with other co-accused persons
by means of lathi, danda, khanti etc.

The main submissions advanced by the learned
counsel Mr. Raja Ram Mishra for the petitioner are that in the
FIR there is no specific allegation against the petitioner and
four similarly situated co-accused persons namely, Manoj
Mahto @ Manoj Kumar Mahto, Muneshwar Mahto @



Muneshvar Mahto @ Lal Babu @ Lal Baba, Raj Kumar Paswan and Naresh Paswan have been granted bail by different benches of this court vide orders passed in Cr. Misc. No. 61420 of 2021, Cr. Misc. 2375 of 2022 and Cr. Misc. No. 22933 of 2022 respectively and in actual the alleged incident took place due to sudden provocation in the family of one namely Mahesh Mahto whose minor son was killed by the deceased Sonu which was revealed by co-accused Mithilesh Kumar and the dead body was found by the family members of Mahesh Mahto and thereafter the alleged occurrence of the present matter took place in the effect of sudden provocation and the petitioner has fair and clean antecedent and has been languishing in jail since 15.06.2022.

Learned APP Mr. Umesh Lal Verma appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the facts that some similarly situated co-accused persons are on bail as mentioned above and in the FIR there is no specific allegation against the petitioner and several persons were alleged to have committed the alleged occurrence of murder of the informant's son, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's



prayer. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Vibhutipur P.S. Case No. 26 of 2021.

(Shailendra Singh, J)

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