

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73803 of 2022

Arising Out of PS. Case No.-133 Year-2018 Thana- WARISNAGAR District- Samastipur

1. BRAHMDEV MAHTO S/O LATE MANNU MAHTO R/v- Lakhanpatti, P.S.- Warisnagar, District- Samastipur
2. MUKESH @ MUKESH MAHTO S/o Vishundev Mahto R/v- Lakhanpatti, P.S.- Warisnagar, District- Samastipur
3. MANJU DEVI RANJU DEVI @ USHA DEVI W/o Brahmdev Mahto R/v- Lakhanpatti, P.S.- Warisnagar, District- Samastipur
4. SANJEEV MAHTO S/o Late ARUN Mahto R/v- Lakhanpatti, P.S.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Session Trial No. 473 of 2022 arising out of Warisnagar P.S. Case No. 133 of 2018 dated 02.06.2018 registered for the offence under Sections 147, 148, 302, 307, 323, 324, 341, 447, 504 and 149 of the Indian Penal Code.

Informant alleges that the petitioners along with other co-accused came at the house of the informant and started assaulting family members of the informant with



deadly weapon as a result of which grand father of the informant sustained injury and died.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to the petitioners. He further submits that it appears from the F.I.R. itself that the specific allegation of assault is attributed to the co-accused, Brahmdev Mahto who allegedly gave farsa blow on the forehead of Ashrfi Mahto. He further submits that the police after investigation submitted final form against the petitioners but the learned Chief Judicial Magistrate deferring with the police report took cognizance against the petitioners under Sections 147, 148, 302, 323, 324, 341, 447, 504, and 149 of the Indian Penal Code vide order dated 0.01.2021. He further submits that no cogent material has surfaced against the petitioners suggesting their involvement in the alleged occurrence. Moreover, the co-accused, namely, Rajeev Mahto and others have already been granted bail by a co-ordinate Bench of this Court vide order dated 10.10.2018 passed in Cr. Misc. No.



55080 of 2018; co-accused, Sanjeev Mahtos and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 09.01.2019 passed in Cr. Misc. No. 64971 of 2018 and another co-accused, namely, Arun Mahto has also been granted bail by a co-ordinate Bench of this Court vide order dated 06.11.2018 passed in Cr. Misc. No. 65375 of 2018. The petitioner is rotting in judicial custody since 05.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Samastipur in connection with Session Trial No. 473 of 2022 arising out of Warisnagar P.S. Case No. 133 of 2018 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates



without sufficient reason, their bail bonds shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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