

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68012 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- KAJRA District- Lakhisarai

Dhanik Mahto, Son of Late Lakhan Mahto, Resident of Village- Ramtaliganj,
P.S.- Kajra, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Umesh Prasad, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kajra P.S. Case No. 52 of 2021 registered for the offences punishable under Sections 147, 148, 149, 324, 341, 325, 326, 302, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the written report of the informant alleging therein that while the informant and his family members were cultivating the land, in the meantime, all the F.I.R. named accused persons, including the petitioner, and



unknown persons came with various arms and started indiscriminate firing, as a result of which the informant's father and other family members sustained gun shot injuries. It is further alleged that the father of the informant was also brutally assaulted by all the accused persons and in course of treatment, he succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted on the background of a land dispute, where general and omnibus allegation has been levelled against fifteen named accused persons and seven unknown persons and no specific allegation has been levelled against the petitioner. He further submits that at best the petitioner is said to be the member of the mob. He next submits that taking into consideration the aforesaid facts, the other co-accused persons have been allowed the privilege of bail by the different learned coordinate Benches of this Court, the copies of which have been annexed as Annexure-3 Series to the bail application. He lastly submits that the petitioner is in custody since 01.09.2022 and now the charge-sheet has been submitted.

On the other hand. learned APP for the State opposes the bail application and submits that the petitioner is also found involved in one another criminal case.



Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation and the fact that the other co-accused persons, having identical allegation, have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Lakhisarai in connection with Kajra P.S. Case No. 52 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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