

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69580 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- DEWARIA District- Muzaffarpur

1. VINDA MAHTO LATE RAM KISHUN MAHTO @ SAGAR MAHTO R/O VILLAGE- DEORIYA, TOLA- BIRBALIYA, P.S- DEORIYA, DISTT.- MUZAFFARPUR.
2. GIRJA MAHTO S/O RAM SAGAR MAHTO @ SAGAR MAHTO R/O VILLAGE- DEORIYA, TOLA- BIRBALIYA, P.S- DEORIYA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Deoriya P.S. Case No. 04 of 2023 registered on 05.01.2023
lodged under Sections 147, 148, 149, 341, 323, 324 and 302 of
I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against six named accused persons including the present
petitioner.

4. Counsel for the petitioner submits that as per F.I.R.
specific allegation has been made against six persons that they
have assaulted the husband of the informant of the farm land. A



specific allegation is against Girja Mahto who has assaulted on the stomach and testicles of the deceased due to which he died. The allegation against the other accused person is that he assaulted the informant.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioners are in custody since 06.06.2023 having no antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that Petitioner No. 2 has specific allegation in which cause of death is explained whereas the Petitioner No. 1 has allegation of assault only.

7. In the present facts and circumstances, this Court is not inclined to grant bail to petitioner no. 2 namely Girja Mahto.

8. Accordingly, the bail application of Girja Mahto is hereby rejected.

9. So far as petitioner no. 1 is concerned, let the petitioner above named, be granted bail and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class of Court No.-1 (West) Muzaffarpur in connection with Deoriya P.S. Case No. 04 of 2023, subject to



the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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