

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68261 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- BAJPATTI District- Sitamarhi

Ram Prasad Mahto Son of Laddo Mahto @ Laddu Mahto R/v- Barwatola,
P.S- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s :	Mr. Anil Prasad Singh, APP
For the Informant :	Mr. Ankit Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-04-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner, Mr. Ankit Rai, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since 19.07.2022 in connection with Bajpatti P.S. Case No. 133 of 2022, F.I.R. dated 16.05.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioner assaulted the informant and his mother



by means of lathi, danda and bamboo. It is further alleged that the petitioner assaulted to informant's mother on her abdomen by means of leg and fist and assaulted her till she died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of assault or overt act against the petitioner rather there is general and omnibus allegation against all the accused persons. He further submits that the postmortem report of the deceased who is mother of the informant does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, Co-accused, namely, Devendra Mahto @ Devendra Mahato has been granted bail by a co-ordinate Bench of this Court vide order dated 10.02.2023 passed in Cr. Misc. No. 54627 of 2022. The petitioner is in custody since 19.07.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries 3 more cases other than the present one.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Sub Divisional Judicial Magistrate- Pupri, District- Sitamarhi in connection with Bajpatti P.S. Case No. 133 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. 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)

Vanisha/-

U		T	
---	--	---	--

