

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73257 of 2023

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

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SANJEEV KUMAR @ SANJEEV KUMAR MAHTO SON OF GANGA
PRASAD MAHTO @ GANGA MAHTO RESIDENT OF VILLAGE- DIH
BORIYA, P.S.- BIBHUTIPUR, DISTRICT- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Bibhutipur P.S. Case No. 26 of 2021 for the offence punishable under Sections 147, 148, 149, 341, 323 and 302 of the Indian Penal Code lodged on 20.1.2021 by the informant, Sudha Devi.

3. As per the prosecution story, 70-80 persons took away the informant's son and the allegation is that later he was killed.

4. Learned counsel for the petitioner submits that there is omnibus allegation against all the 70-80 persons is of taking away the son of the informant as also killing him. He has drawn attention to this Court to para-10 of the petition which



read as follows:

10. That the other similarly co-accused namely (1) Manoj Mahto, (2) Muneshwar Mahto, (3) Raj Kumar Paswan, (4) Naresh Paswan, (5) Laddu Lal Rai @ Genhari Rai, (6) Kailash Mahto, (7) Shankar Mahto & Rajnish Mahto, (8) Sunil Kumar, (9) Chandu Singh have been granted bail by different coordinate bench of this Hon'ble Court vide (1) Cr. Misc. No. 61420 of 2021, (2) Cr. Misc. No. 2375 of 2022, (3) Cr. Misc. No. 22933 of 2022, (4) Cr. Misc. No. 63378 of 2022, (5) Cr. Misc. No. 18507 of 2023, (6) Cr. Misc. No. 20348 of 2023, (7) Cr. Misc. No. 35388 of 2023, (8) Cr. Misc. No. 43753 of 2023 and (9) Cr. Misc. No. 39458 of 2023.

5. Learned APP opposes the prayer stating that a innocent person has been killed by the accused persons.

6. Taking into account the aforesaid submission



though it is unfortunate that informant's son has been killed by the accused persons, in view of the fact that omnibus allegation has been made against all the 70-80 persons, as per para-10 most of the co-accused have been granted bail, this Court has no option but to extend the same relief to him and in that background, his prayer for bail is allowed.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Rosera, in connection with Bibhutipur P.S. Case No. 26 of 2021 subject to the following conditions:

(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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(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 his bail bonds.

8. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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