

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6297 of 2024

Arising Out of PS. Case No.-325 Year-2021 Thana- TURKAULIYA District- East
Champaran

Sakindar Mahto Son of Dhari Mahto R/o vill - Semra Belwatia, P.S. -
Turkaulia, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 24337 of 2024

Arising Out of PS. Case No.-325 Year-2021 Thana- TURKAULIYA District- East
Champaran

Teni Mahto SON OF DHARI MAHTO VILLAGE- SEMRA BELWATIA, PS-
TURKAULIA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 6297 of 2024)
For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 24337 of 2024)
For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-05-2024 Heard the parties.

2. The petitioners are in judicial custody in connection
with Turkauliya P.S. Case No. 325/2021 for the offence
punishable under Sections 302, 323, 334, 506/34 of the Indian
Penal Code lodged on 15.4.2021 by the informant, Muni Devi.

3. As per the allegation in the First Information



Report, all the FIR named accused including Teni Mahto suddenly entered into the house of the informant and pressed the mouth of informant's daughter and committed murder of Lakhindar Mahto. The accused persons further assaulted the informant's daughter and also tried to outrage her modesty. Earlier also dispute had arisen between the informant's family and the accused person in which the deceased was assaulted by Sikandar Mahto with '*farsa*' on his head that had led to lodging o the Turkauliya P.S. Case No. 323 of 2021 amongst others under section 307 of the Indian Penal Code.

4. Learned counsel for the petitioners submit that so far as the Teni Mahto (Cr. Misc. No. 24337 of 2024) is concerned, there is omnibus allegation against him like Jitu Mahto and Rakesh Mahto who have been extended the privilege of bail vide Cr. Misc. No. 53238 of 2021 and Cr. Misc. No. 60931 of 2021. Further submission is that he is ready to abide by the terms and conditions and he will be diligently appearing in trial.

5. So far as the petitioner, Sakindar Mahto (Cr. Misc. No. 6297 of 2024) is concerned, there is allegation of assault by '*Farsa*' is on him. Learned APP submits that so far as Sakindar Mahto is concerned, main allegation is against him, he



chose not to surrender and twice sought anticipatory bail which came to be rejected and found incorporated in the learned Sessions Judge order and due to his absence, the trial got delayed and as such he does not deserve bail.

6. Taking into account the allegation that has come against Sakindar Mahto (Cr. Misc. No. 6297 of 2024), this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

7. So far as, the petitioner Teni Mahto (Cr. Misc. No. 24337 of 2024) is concerned, omnibus allegation is there, similar situate other accused persons namely Jitu Mahto and Rakesh Mahto have been extended bail, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner Teni Mahto 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 C.J.M., Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 325 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner (Teni Mahto) who shall provide official document



to show his bona fide;

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

(iv) the petitioner (Teni Mahto) 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 (Teni Mahto) 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.

(Rajiv Roy, J)

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