

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29033 of 2024**

Arising Out of PS. Case No.-183 Year-2020 Thana- SIDHWALIYA District- Gopalganj

Ashok Mahto @ Ashok Kumar Mahto Son of Basudev Mahto R/o Village-  
Surhiya, P.S- Shidhwalia, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      21-06-2024                      Heard learned counsel for the petitioner and the  
learned APP for the State.

2. The petitioner is in judicial custody in connection with Sidhwalia P.S. Case No.183 of 2020 instituted under sections 341, 323, 324, 325, 307, 379, 504, 506,34 of the Indian Penal Code lodged on 21.08.2020 by the informant, Panpati Devi.

3. As per the prosecution story, the informant alleged that about 20-25 persons including the petitioner came to her house with intention to kill her family members. Further allegation is that Ashok Mahto, Dhiraj Kumar, Mukesh Mahto, Jiut Mahto all armed with 'Khanti' in their hands started indiscriminate assault on her husband whereafter he fell down



on the ground and became unconscious. As the neighbours rushed to save him, accuseds also assaulted her son along with neighbours Naresh Mahto, Harendra Thakur. She was also deprived of her gold 'Mangalsutra'. Naresh Mahto sustained head injury and fractured his hand due to assault of Ashok Mahto, Dhiraj Mahto, Jiut Mahto and Mukesh Mahto. Indu Devi, Kajal Kumari, Punam Kumari, Mira Devi, Sohila Devi, Shila Kumari, Manjit Kumar and unknown persons assaulted her family and neighbours by 'lathi' bamboo causing injury to them. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case in the matter inasmuch as both sides have suffered injuries and as such considering the fact that they are agnates, some of the co-accused have been enlarged on bail, one of them is Jiut Mahto who has since been granted bail vide Cr. Misc. No. 2758 of 2024. As such the petitioner also deserves relief.

5. The last submission is that he do not have criminal antecedent and has remained in custody since 10.5.2022 (para-16 of the petition).

6. Learned APP opposes the prayer stating that he was also the person who gave 'khanti' blow to the injured.



7. Though, omnibus allegation of 'khanti' blow is there, he has remained in custody for almost two years, do not have criminal antecedent, some accuseds including similar situate Jiut Mahto has been granted bail, this Court is inclined to extend him the privilege of bail with strict conditions.

8. 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 A.D.J.-XII, Gopalganj, in connection with Sidhwalia P.S. Case No.183 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 month till conclusion of the trial 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.

**(Rajiv Roy, J)**

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