

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27278 of 2024

Arising Out of PS. Case No.-128 Year-2021 Thana- KATHAIYA District- Muzaffarpur

Anil Mahto @ Anil Kumar Mahto S/o Dhanai Mahto R/o vill - Jasouli, P.S. -
Kathaiya, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Sanjay Kumar S.K. learned counsel for
the petitioner and Mrs. Madhuri Lata, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 31.10.2023, in connection with Kathaiya P.S. Case No. 128 of 2021, F.I.R. dated 12.09.2021 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302 and 504 of the Indian Penal Code.

3. Allegation against the petitioner is of assaulting the deceased Kodai Mahto with a knife resulting in his death.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that there is case and counter case between the parties and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused person namely Kabita Devi @ Kavita Devi @ Kabita @ Kavita Rani has been granted bail by a Coordinate Bench of this Court vide order dated 19.04.2022 passed in Cr. Misc. No. 16490 of 2022, another co-accused persons namely Sabita @ Sabita Kumari, Kunti Devi and Chandan Kumar have been granted bail by a Coordinate Bench of this Court vide order dated 24.04.2023 passed in Cr. Misc. No. 1261 of 2023, another co-accused person namely Dhanai Mahto has been granted bail by a Coordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 14444 of 2023 and another co-accused person namely Chandan Kumar has been granted bail by this Court vide order dated 01.12.2023 passed in Cr. Misc. No. 66815 of 2023 respectively and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.10.2023.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur in connection with Kathaiya P.S. Case No. 128 of 2021, 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 witness, 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 antecedents, 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)

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