

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41595 of 2024

Arising Out of PS. Case No.-121 Year-2016 Thana- BEGUSARAI TOWN District- Begusarai

LAKSHMAN MAHTO S/O LATE BASUDEO MAHTO @ LATE PARPAR
MAHTO R/O VILLAGE- TELIA POKHAR, WARD NO. 22, P.S-
RATANPUR, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 27-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nagar
(Ratanpur) P.S. case No. 121 of 2016 instituted for the offences
under Sections 302, 120B/34 of the Indian Penal Code.

3. Prosecution case, in short, is that when the
informant was at his home, he received information that some
accused persons were assaulting his father. On the basis of the
said information, the informant reached at the place of
occurrence and saw that all the accused persons including the
petitioner were assaulting his father. Seeing the informant, all
the accused persons fled away. The father of the informant was
rushed to the hospital and died during course of treatment. It is



further alleged that the main cause of the occurrence is land dispute. It is further alleged that the accused persons were threatening his father for long.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific allegation of assaulting with shard edged weapon is attributed to co-accused Bhushan Kumar. Learned counsel further submitted that police, after investigation, submitted final form against the petitioner (paragraph-3 of the supplementary affidavit), however, differing with the same, learned Court below took cognizance under Section 302, 120B/34 of the Indian Penal Code. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.04.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to



the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nagar (Ratanpur) P.S. case No. 121 of 2016.

(Rudra Prakash Mishra, J)

Alok Verma/-

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