

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49836 of 2024

Arising Out of PS. Case No.-92 Year-2021 Thana- SIMULTALLA District- Jamui

Mukesh Mahto @ Mukesh Kumar Son Of Kuldeep Mahto R/V- Gadi Telwa,
P.S.- Sumultalla, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anisha Sinha, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Ms. Anisha Sinha, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 22.02.2024, in connection with Simultalla P.S. Case No. 92 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 326, 302, 307, 447 and 504 of the Indian Penal Code.

3. As per the prosecution case, all the FIR named accused persons including the petitioner assaulted to the informant and his brother by *lathi*, *danda* and iron rod.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that there is case and counter case between the parties.



He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of assault or any overt act attributed against the petitioner rather there is allegation against the petitioner that he was present along with other co-accused person at the place of the occurrence. He further submits that co-accused person, namely, Nageshwar Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 18058 of 2022, co-accused person, namely, Kishore Mahto has also been granted bail by this Court vide order dated 02.08.2023 passed in Cr. Misc. No. 36406 of 2023, co-accused person, namely, Suresh Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 48424 of 2023 and co-accused person, namely, Uttam Mahto @ Uttam Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 29.05.2024 passed in Cr. Misc. No. 34047 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.02.2024.

5. Learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case



and the fact that petitioner has clean antecedent, there is case and counter case between the parties and there is no specific allegation of any assault or overt act attributed against the petitioner, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.II, Jamui in connection with Simultalla P.S. Case No. 92 of 2021 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedent, 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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