

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80 of 2024

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

Kishore Mahto S/o Late Raj Kumar Mahto R/o Village- Telwa, PS-
Simultalla, District- Jamui,

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2024 Heard Mr.Prakash Mahto,learned counsel for the

petitioner and Mr.Bhanu Pratap Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
28.12.2022 in connection with S.T.No.347 of 2023 (arising out
of Simultalla P.S. Case No. 92 of 2021), F.I.R. dated
02.12.2021 registered for the offence punishable under Sections
147, 148, 149, 341, 323, 324, 325, 326, 302, 307, 447 and 504
of IPC.

3. Earlier the petitioner has been granted bail vide
order dated 02.08.2023 passed in Cr. Misc. No.36406 of 2023
but the bail bond of the petitioner was not accepted by the
learned court below on the ground that the petitioner has carried
criminal antecedent but in the earlier bail petition the petitioner



has stated that the petitioner has clean antecedent. Thereafter, the petitioner has moved before this Hon'ble Court for modifying the order dated 02.08.2023 by filing the modification application bearing Cr.Misc. No. 67923 of 2023 which was dismissed by order dated 13.10.2023. Thereafter, the petitioner has moved before the learned Trial Court and thereafter he has filed the present bail petition.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is general and omnibus allegation against the petitioner that he alongwith other co-accused persons have assaulted with backside of the Lathi upon the chest of of the deceased. Further submits that co-accused persons, namely, Ramdev Mahto, Ganesh Mahto and Janwari @ Rajesh Mahto have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 17.04.2023, 23.06.2023 and 13.12.2023 passed in Cr. Misc. Nos. 44072 of 2022, 33460 of 2023 and 79083 of 2023 respectively. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is



in custody since 28.12.2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but he fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, 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 Addl. District and Sessions Judge-2nd Jamui in connection with S.T.No.347 of 2023 (arising out of 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 cancelled 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.

(III) 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)

Nitesh/-

U		T	
---	--	---	--

