

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2758 of 2024

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

JIUT MAHTO SON OF LATE JAMDAR MAHTO R/O VILLAGE-
SURAHIYA, P.S.- SIDHWALIYA, DIST.- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 20-03-2024 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.

3. The prosecution case, in short, is that the informant gave her written statement before the Officer-in-charge that on 19.08.2020, 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 to her husband and



whereafter he fell down on the ground 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 has been lodged.

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 and some of the co-accused have been enlarged on bail, these petitioners also deserve relief.

5. In this case, report was called for from the Court on 16.2.2024. The report has come, according to which, the charges have been framed against six accused persons on 16.1.2024 but neither any witness has been produced nor examined by the prosecution and direction has been given for the said purpose. The said information has come vide letter no. 52 dated 23.2.2024 (flag 'A').



6. Learned counsel for the petitioner submits that against four persons, allegation of 'khanti' blow is there, he do not have criminal antecedent and has remained in custody since 10.5.2022 (para-10 of the petition). Learned APP opposes the prayer stating that he was also the person who gave 'khanti' blow to the injured. Though, allegation of 'khanti' blow is there, he has remained in custody for almost two years, he do not have criminal antecedent and trial is not likely to conclude in near future in view of the fact that not a single witness has still been examined.

8. In that background, this Court is inclined to extend him the privilege of bail with strict conditions.

9. 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 Judicial District and Sessions Judge-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 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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