

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78010 of 2024

Arising Out of PS. Case No.-325 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Sakindra Mahto Son of Dhari Mahto R/O Vill.- Semra Balwatiya, P.S.-
Turkauliya, Dist.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-03-2025 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in custody in connection with
Sessions Trial No. 1202/2023 arising out of Turkauliya P.S.
Case No. 325 of 2021 for the offence punishable registered
under sections 447, 302, 323, 354, 506 and 34 of the Indian
Penal Code, lodged on 15.04.2021 by the informant, Jhuni Devi.

3. As per the prosecution story, the informant alleged
that all the accused persons including Teni Mahto suddenly
entered into her house and pressed the mouth of her daughter
and committed murder of Lakhindar Mahto. The accused
persons further assaulted her daughter and also tried to outrage



her modesty. Earlier also dispute had arisen between the informant's family and the accused persons in which the deceased was assaulted by Sikandar Mahto with '*farsa*' on his head, this led to the F.I.R.

4. Learned counsel for the petitioner submits that though the petitioner delayed surrendering before the learned Trial Court, also has criminal antecedent beside the allegation of assault by farsa, the fact remains that he is in custody since 28.07.2023 (paragraph no.6 of the petition) and the trial is not likely to be concluded in near future. It is his further submission that he will diligently appear in trial and during the period, the trial is on, he shall not indulge in any criminal activity if granted bail.

5. Learned APP opposes the prayer for bail submitting that the allegation of assault by farsa is on the petitioner.

6. In view of the fact that the petitioner is in custody since two years, a report was called for which has come vide letter no. 123 dated 22.02.2025 and according to which, though the charges have been framed against the petitioner and Teni Mahto on 02.07.2024, summons/bailable warrant issued but till the submission of the report, no prosecution witness has turned up.

7. Taking into account the aforesaid facts that the trial



has still not commenced, he is in custody for around two years, has undertaken to diligently appearing in trial and further undertaken not to indulge in any criminal activity, this Court is inclined to extend him the privilege of bail.

8. 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 22nd Additional Sessions Judge, East Champaran, Motihari in connection with Sessions Trial No. 1202/2023 arising out of Turkauliya P.S. Case No. 325 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 till the conclusion of trial to mark his attendance however in case, he defaults appearance in the Trial Court, the court shall take immediate steps for cancellation of his bail bonds;



(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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