

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55415 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- KHAGARIA District- Khagaria

Sapan Mahto, Male, aged about 43 years, Son of Rajendra Mahto, resident of Village- Rani Sakarpura, P.S.- Gangaur, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Jai Shanker Prasad, Advocate
For the Opposite Party : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 342, 323, 504, 506, 384, 379, 337, 338, 307 and 325/34 of the Indian Penal Code registered in connection with Khagaria (Gangaur) P.S. Case No. 273 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of petty dispute over the passage and there is case and counter case between the parties, who are agnates. The petitioner is said to have assaulted the informant with iron rod on his head but no grievous injuries have been sustained by the informant on his head. There is delay of 14 days in instituting the FIR on 26.04.2019 for the alleged occurrence of 12.04.2019. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 273 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification within a period of four weeks after furnishing bail bonds, that no grievous injury has been caused to the informant's side. If found otherwise, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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