

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6296 of 2020

Arising Out of PS. Case No.-116 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

MAHANTH SAH Son of Algu Sah Resident of Village - Belwa Mathiya,
P.S.- Kuchaikot, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 323, 324, 307, 354, 379 and 504/34 of the Indian Penal Code, registered in connection with Kuchaikote P.S. Case No. 116 of 2019.

3. It is submitted that the petitioner has been falsely implicated in a complaint-based FIR in the backdrop of past enmity between the parties. Earlier, Kuchaikot P.S. Case No. 263 of 2017 was also lodged which is ongoing between the parties. There is inordinate delay in filing of the complaint on 28.02.2019 for the alleged occurrence of 05.11.2018 whereafter the FIR has been instituted on 07.04. 2019. The accusation of assault is not corroborated by any injury report on record. The



accusations under Sections 354 and 379 IPC are mere embellishment. The petitioner is accused in one prior case in which he is on bail.

4. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, 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 Addl. Chief Judicial Magistrate-VII, Gopalganj in connection with Kuchaikot P.S. Case No. 116 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following 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 petitioners shall co-operate 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.

(iv) 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.

(Vikash Jain, J)

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