

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14162 of 2020

Arising Out of PS. Case No.-11 Year-2015 Thana- SAHODARA District- West Champaran

Nand Kishore Mahto (M), aged about 46 years, Son of Chokat Mahto
Resident of Village- Dhamaura, P.S.- Sahodra, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Aditya Nath Jha, learned counsel for the petitioner and Mr. Rana Randhir Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Sahodra PS Case No. 11 of 2015 dated 06.02.2015 instituted under Sections 147/148/149/323/324/307/342/504 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner, along with others, is of having handed over the gun to another co-accused and ordering to kill the informant and further of inflicting blow by spade on the head of the informant.



5. Learned counsel for the petitioner submitted that he and other co-accused are *parcha* holders of lands which were acquired in a ceiling proceeding against the informant and others, who were the original landholders and because of this whenever the petitioner and other *parcha* holders of those lands go for cutting the crops, they are assaulted and false cases are instituted against them, as has been done in the present case. It was submitted that though the petitioner has criminal antecedent of five more cases but it is with regard to the same lands, either by the informant or other ex-landholders. It was submitted that even in the present case, though there is injury on the head, but the same is simple in nature and it is the informant's side who has been the aggressor as the petitioner and other co-accused have not been allowed to deal with the lands which have been settled with them by the government by issuing *parcha*. It was submitted that the petitioner is in custody since 19.12.2019.

6. Learned APP submitted that there is direct allegation of assault on the head by spade by the petitioner and he had also given firearm to co-accused ordering him to kill the informant. It was also submitted that twice earlier the petitioner had moved for anticipatory bail which was rejected.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bettiah in Sahodra PS Case No. 11 of 2015, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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