

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20699 of 2020

Arising Out of PS. Case No.-101 Year-2019 Thana- DARPA District- East Champaran

Umesh Prasad @ Umesh Mahto, Son of Raghunath Mahto @ Raghunath Prasad Resident of Village - Pipra, P.S. - Darpa, District - East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri- Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary- A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 04-09-2020 The office has pointed out that some blank has been left by the petitioner at Para-3 of the petition and, similarly, father's name of petitioner in petition and vakalatnama differs with father's name of deponent at affidavit.

Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner is in custody since 22.12.2019 and seeks bail in connection with Darpa P. S. Case No.101 of 2019 registered for the offences punishable under Sections 342, 114, 302, 504, 34 of the I.P.C. and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that



due to clerical error, some line of Para-3 was left blank and, therefore, the aforesaid defect be ignored. Learned counsel for the petitioner further submits that so far as the father's name of petitioner is concerned, it has rightly been written in petition as Raghunath Mahto @ Raghunath Prasad.

Learned counsel for the petitioner further submits that no doubt, petitioner is named in the first information report, but no overt act has been attributed against the petitioner and even if, the prosecution story assumed to be true, then also petitioner happens to be member of unlawful assembly. Learned counsel for the petitioner further points out that other co-accused, having more or less similar allegation, have already been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 02.03.2020 passed in Cr. Misc. No.9374 of 2020.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 22.12.2019, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction
of learned Sub-divisional Judicial Magistrate, Raxaul,
Motihari, East Champaran in connection with Darpa P. S.
Case No.101 of 2019.

(Hemant Kumar Srivastava, J)

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