

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20998 of 2020**

Arising Out of PS. Case No.-25 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

MANGARU MAHATO @ JHAGRU MAHATO @ MANGARU MAHTO @
MANGAL MAHATO @ MANGAL MAHTO @ MANGRU MAHA Son of
Late Munshi Mahato Resident of Village - Basaha, P.S.- Baikunthpur, District
- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Opposite Party/s : Mr.Satyendra Prasad (APP)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 25-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of
Baikunthpur P.S. Case No. 25 of 2019, disclosing offences
punishable under Section 341, 323, 324, 307, 379 and 34 of the
Indian Penal Code.

The petitioner is in custody since 07.03.2020. He had
earlier approached this Court for grant of anticipatory bail
giving rise to Cr. Misc. No. 38554 of 2019. This Court, while
granting the petitioner provisional bail, disposed of the said
application on 01.07.2019 with following order: -

*“ It is submitted that the petitioner has been
falsely implicated in the backdrop of land
dispute. The accusation of having dealt 5-6
knife blows to the informant is not
supported by injury report as evident from*



the order of the learned Sessions Judge. The accusation under Section 379 IPC is mere embellishment. The petitioner claims clean antecedents.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 25/2019 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 petitioner 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 reasons, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury resulting from knife-blow has been sustained to the informant. In case the petitioner's claim fails on verification, his bail bond shall stand automatically cancelled."

In the light of the order of this Court dated 01.07.2019, the petitioner appears to have surrendered before the Court below but in view of the condition in paragraph 5 of



the order of this Court, as quoted above, his provisional bail was denied to be confirmed.

Learned counsel for the petitioner has drawn my attention to the injury report and has submitted that most of the injuries have been found to be skin deep.

Considering the facts and circumstances of the case, as noted above, and in view of the order of this Court dated 01.07.2019, as also the fact that the petitioner is in custody since 07.03.2020, this application is allowed.

Let the petitioner above named 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 the learned C.J.M., Gopalganj in connection with Baikunthpur P.S. Case No. 25 of 2019.

(Chakradhari Sharan Singh, J)

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