

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29103 of 2020

Arising Out of PS. Case No.-496 Year-2018 Thana- GARKHA District- Saran

Harendra Mahto, S/o Vishwanath Singh @ Bisnath Singh, Residence of
Village- Maiki Pachchim Tola (Udhiwan Tola), P.S.- Garkha, District- Saran
at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-12-2020 Since as of now the Courts have not resumed normal
physical hearing, the matter has been listed today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Garkha
P.S. Case No.496 of 2018 registered for the offence punishable
under Sections 341, 323, 324, 307, 384 and 504/34 of the Indian
Penal Code.



When the informant was on his way, it is alleged that the petitioner along with his two friends intercepted him and demanded ransom and on refusal, they caused injury on the informant's right hand elbow.

Petitioner's counsel submits that the petitioner is innocent and has falsely been implicated as there is subsisting political rivalry. Other co-accused against whom there was an allegation of assaulting the victim, namely, Rajesh Kumar has been allowed regular bail in Cr.Misc. No.30103 of 2020 and other co-accused Amarjeet Kumar has been allowed anticipatory bail in Cr.Misc. No.34909 of 2019. After his arrest in the instant case, the petitioner has also been implicated in Garkha P.S. Case No.13 of 2019 and Garkha P.S. Case No.149 of 2020. Prior to the petitioner's arrest in the instant case, there was no criminal antecedents of the petitioner. The petitioner is now in custody since 23.05.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Additional Chief Judicial Magistrate-XIV, Saran at Chapra, in connection with Garkha P.S. Case No.496 of 2018, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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