

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28903 of 2020

Arising Out of PS. Case No.-82 Year-2019 Thana- GAUTAMBUDHNAGAR District- Siwan

Suraj Mahto @ Surya Mahto Son of Rajesh Mahto Resident of Village-
Saraiya, Police Station-G.B.Nagar, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Birendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 21-12-2020 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner has renewed his prayer for bail in connection with Sessions Trial No. 517 of 2019 arising out of G.B.Nagar P.S. Case No.82 of 2019 registered under sections 302, 307 and other sections of the Indian Penal Code.

As per allegation in the FIR, the petitioner is stated to have assaulted the informant on his head with a *farsa* as a result of which he sustained injuries. It is further stated that Rajesh Mahto struck the informant's father with the sword who subsequently died. The informant further states that Ram Babu Mahto struck the informant with an iron rod as a result of which he sustained fracture in his hand.

It is submitted by learned counsel for the petitioner



that earlier application for bail, the order dated 11.12.2019 of which is at Annexure-1, the application for bail of this petitioner was withdrawn. He submits that the injury report of the informant does not support the allegation made in the F.I.R. in so far as the nature of injury caused by a *farsa* alleged to have been used by the petitioner is not supported in the injury report. It is further submitted that the informant, as per the injury report has not sustained any fracture in his palm. The petitioner is in custody since 25.6.2019.

The application for bail is opposed by learned APP appearing for the State who submits that so far as the injury on arm is concerned, the Doctor had advised the informant for x-ray of his arm. By order dated 2.12.2020 a report was called for with respect to the stage of trial and the same has been received contained in letter no. 361 dated 10.12.2020 of the learned Additional District and Sessions Judge-1st -cum- Special Judge, Siwan. As per report two prosecution witnesses have been examined out of the 8 charge sheeted witnesses.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner and the petitioner being in custody since 25.6.2019, this Court is inclined to enlarge the petitioner on bail. The



petitioner is directed to be enlarged on bail in connection with Sessions Trial No. 517 of 2019 arising out of G.B.Nagar P.S. Case No.82 of 2019 on his furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan.

However, in view of the fact that sessions trial is going on and two witnesses have been examined, it is directed that the petitioner shall remain present on each date of trial and in case of his absence even on a single date for reasons not to the satisfaction of the trial Court, the learned trial Court shall cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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