

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29054 of 2020

Arising Out of PS. Case No.-84 Year-2020 Thana- PAHARPUR District- East Champaran

Chhotelal Mahato, S/o Shree Mahato, Resident of Village-Siswa Kanhi Tola,
P.S.-Paharpur, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-11-2020 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.

Mr.Shailendra Kumar-1, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

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

The petitioner seeks bail in connection with



Paharpur P.S. Case No.84 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 302, 379, 504 of the Indian Penal Code.

The petitioner is said to be one of the persons along with Vikram Mahto, who has inflicted fatal assault on the informant's wife Kaushalya Devi. Against the petitioner, in fact, there is an allegation of assault on the informant's daughter-in-law Marchiya Devi by stick and rod.

It is submitted by the petitioner's counsel that on such vague and omnibus allegation, the petitioner is in custody now since 21.03.2020. In the investigation, no injury report has been brought on record to corroborate the allegation of assault levelled against the petitioner. He is not responsible for the fatal assault inflicted upon Kaushalya Devi and has no criminal antecedents.

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 Sri Braj Kishore Chaudhary, learned Judicial Magistrate, 1st Class, Sadar, Motihari, East Champaran, in connection with Paharpur P.S. Case No.84 of 2020, 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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