

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30263 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- GADHPURA District- Begusarai

GIRDHARI MAHTO S/o Sone Lal Mahto Resident of Village-Parwatipur,
Police Station-Garhpura, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Rajendra Nath Jha, the learned APP for the State.

The petitioner seeks regular bail in connection with Garhpura P.S. Case No. 49 of 2020, registered for the offence punishable under Sections 323, 341, 504, 506, 427, 354(A), 379 and 307/34 of the Indian Penal Code.

The informant has alleged that while he was



sitting at his home along with his wife on 15.06.2020, the petitioner herein and others had arrived at 6:10 AM. in the morning and had broken the boundary of the house of the informant as also had started fighting with the informant. It is also alleged that the petitioner and others had then attacked the informant with a sharp edged cutting weapon and had then taken away the gold earring and pendant of his wife, whereafter the petitioner and other accused persons had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 16.06.2020. It is further submitted that grievous injury, if any, stated to have been sustained by the informant, is on the non-vital part and moreover, a general and omnibus allegation has been levelled against the petitioner herein. Lastly, it is submitted that the present case arises out of case and counter case.

Per contra, the learned APP has vehemently



opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the leaned counsel for the petitioner and taking into account the fact that a general and omnibus allegation has been levelled against the petitioner herein and moreover, the grievous injury is stated to have been inflicted on the non-vital part of the body of the informant as also the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Garhpura P.S. Case No. 49 of 2020.

(Mohit Kumar Shah, J)

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