

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63557 of 2019

Arising Out of PS. Case No.-212 Year-2015 Thana- BARAULI District- Gopalganj

Dhahi Mahato @ Dahi Mahato Son of Dharamchand Mahato aged about 45
years Male, Resident of Village- Dewapur, P.S.- Barauli, District- Gopalganj.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 24-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Barauli P.S. Case No. 212 of 2015, G.R. No. 3472 of 2015 registered for the offence under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 04-11-2015 at about 7:00 AM, the informant was cleaning the drain, on which, some altercation took place between the family of informant and petitioner and thereafter, it is alleged that all named accused persons started assaulting by *danda* and *lathi*. It is further alleged that this petitioner inflicted *Dab* upon his head as a result he fell down and became unconscious.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and petitioner is next door neighbour and due to land dispute, some scuffle took place. It is further submitted that as per injury report, the informant



sustained two injuries – one is said to be grievous in nature, but the other is said to be simple, caused by hard & blunt substance. In this case, chargesheet has already been submitted and there is no allegation against the petitioner of tampering with the evidence. Petitioner is in custody since 22-07-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation and period of custody, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIV, Gopalganj in connection with Barauli P.S. Case No. 212 of 2015, G.R. No. 3472 of 2015 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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