

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15291 of 2021**

Arising Out of PS. Case No.-399 Year-2018 Thana- KAHALGAON District- Bhagalpur

BIMAL MAHTO @ LOHWA Son of Late Tarni Mahto Resident of Village-
Mahesha Munda, P.S. - Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha
For the Opposite Party/s : Mr.Satyanand Shukla

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 19-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Kahalgaon P.S. Case No.399 of 2018 registered for the offence punishable under Sections 307, 387, 34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case in short is that, on 16.06.2018, when informant returned to his home Maheshmunda Bindtoli from his mango orchard, accused persons including petitioner demanded



ransom from him. There was previous land dispute between them. When informant objected, petitioner fired upon informant from country made pistol. After that rest accused persons fired upon him. The informant sustained several injuries.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. The parties are agnates and petitioner has been falsely implicated in this case due to land dispute. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is general and omnibus allegation against the petitioner as it is apparent from the FIR itself, that petitioner is alleged to have fired but it did not hit him and thereafter the other co-accused persons fired at him, which hit him at three places of his body. From the FIR, it also appears that the informant has not sustained any grievous injury since he even on sustaining three injuries ran to his house and thereafter he went to Mukhiya and then to hospital for treatment. The petitioner has six criminal antecedents and has been languishing in custody since 29.8.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is no specific allegation, the above named petitioner



is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No.399 of 2018, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(5) Petitioner will mark his attendance in the local police station in the first week of every month till conclusion of the trial, failing which, the prosecution will be at liberty to move for cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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