

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14531 of 2021**

Arising Out of PS. Case No.-899 Year-2019 Thana- LAKHISARAI District- Lakhisarai

1. RAVINDRA MAHTO S/O GURUCHARAN MAHTO R/O VILLAGE-BILAURI, P.S-LAKHISARAI, DISTRICT-LAKHISARAI.
2. SIDHARTH MAHTO S/O GURUCHARAN MAHTO R/O VILLAGE-BILAURI, P.S-LAKHISARAI, DISTRICT-LAKHISARAI.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-09-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Rajendra Nath Jha, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Lakhisarai P.S. Case No. 899 of 2019 registered for the offences punishable under Section 341, 323, 324, 354(A), 354(B), 379, 307 and 34 of the Indian Penal Code. They are in custody since 04.12.2020.

As per the prosecution story when the daughter of the informant had gone outside her house to attend the natural call

in the toilet located besides her house, the accused persons including these petitioners came there with bad intention. Petitioner no. 2 was armed with knife, he attacked on her due to which her finger was cut, she raised hulla whereupon the informant and his son arrived there but they were also assaulted. As per F.I.R., petitioner no. 1 was armed with iron rod and he assaulted on the head of the informant causing injury to him. Petitioner no. 2 was armed with pistol, he assaulted on the head of the son of the informant with but of the pistol due to which he sustained head injury.

Learned counsel for the petitioners submits that in course of investigation it has come that the parties are close neighbours and they had fought over drainage of the toilet waste and water. The allegation that the petitioners had caught the daughter of the informant with any bad intention is only to make out a case against them.

Learned counsel further submits that the co-accused Ajit Kumar has already been granted bail by learned court below.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioners. It is submitted that the injured daughter of the informant has suffered altogether

seven injuries and out of those injuries, injury no. '4' and '7' are grievous in nature. One of the injuries sustained by the informant is grievous whereas his son has sustained four injuries out of which injury no. '4' is grievous in nature.

Considering the facts and circumstances of the case, in the nature of the materials attributing grievous injuries to the son of the informant and the victim girl specifically against petitioner no. 2, this Court is not inclined to release petitioner no. 2 on bail at this stage. His prayer is, thus, refused.

If the trial is not concluded within a period of nine months from the date of communication of this order for no fault on the part of the petitioner no. 2, he may renew his prayer for bail.

So far as petitioner no. 1 is concerned, in the facts and circumstances where there is no allegation of repetition of blow against him and he has remained in custody for nine months and has otherwise no criminal antecedent except the one lodged by the daughter of the present informant as stated in paragraph '3' in which he has already been acquitted, this Court directs release of the petitioner no. 1 on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned

C.J.M., Lakhisarai in connection with G.R. No. 2257 of 2019 arising out of Lakhisarai P.S. Case No. 899 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.