

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16028 of 2021

Arising Out of PS. Case No.-315 Year-2019 Thana- MAJHAULIA District- West Champaran

RAJESH MAHTO Son of Sri Bipat Mahto Resident of Village- Bhaluhi, P.S.-
Majhauria, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma,Advocate
For the State	:	Mr.Akhileshwar Dayal,APP
For the Informant	:	Mr. Sanjeev Kumar Shrivastava,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-03-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in connection with Majhauria P.S. Case No. 315 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354-B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant in her written report alleged that when the informant was in her courtyard, the accused persons named in the FIR having lathi and farsa in their hands entered in her house. It is alleged that accused Rajesh Mahto assaulted on her head by farsa which caused bleeding and Virendra snatched golden chain from her neck worth



rupees three thousand.

Learned counsel submits that the petitioner has falsely been implicated in this case and the injury which has been attributed to the petitioner has been found to be simple in nature. It is submitted that both sides have common ancestors and in free fight between the parties, both sides have received injuries and counter version of the occurrence has also been lodged being Majhauria P.S. Case No. 316 of 2019. The petitioner is in custody since 10.12.2020.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it appears that there is a case and counter case between the parties, they are the descendents of the same ancestors and both the parties have sustained injuries as it would appear from Annexure '2', '2/1' and 2/2 which are the injury reports of the petitioner's side and Annexure '3' and '3/1' which are the injury reports of the informant's side and that the injury on the head of the informant has been found simple in nature, the petitioner has remained in jail in connection with this case since 10.12.2020, let the petitioner above named be released 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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhauria P.S. Case No. 315



of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(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'.

