

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17247 of 2021**

Arising Out of PS. Case No.-211 Year-2020 Thana- SARAI District- Vaishali

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Prem Kumar @ Prem Mahto Son Of Late Baiju Mahto Resident Of Village
Akhtiyarpur, Patedha, P.S.- Sarai, District - Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Shivjee Singh, Advocate

For the Opposite Party : Mr.Umeshanand Pandit, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 23-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 307, 302/34 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, all the FIR named accused persons including the petitioner, armed with bricks, sticks and iron rod, reached at the house of informant's cousin Alok Kumar Patel and started abusing him and on protest they assaulted his cousin and his family members by means of bricks and iron rod. When the informant came to rescue him, accused persons also assaulted the informant and his family members by means of bricks and iron rod as a result of which informant sustained head injury. Accused persons also assaulted the informant's mother who died during treatment.



Learned counsel for the petitioner submits that there is case and counter case between the parties in which both sides sustained injuries. There is general and omnibus allegation against the petitioner and no specific overt has been alleged against him. It is further submitted that in fact informant's brother had committed house trespass in the night in drunken state for committing forceful immoral offence but he was caught on which informant side started marpit for which Complaint petition no. 1556 of 2010 was lodged against the informant and others. Petitioner has claimed clean antecedent and he is in custody since 9.9.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that there is general and omnibus allegation against the petitioner and no specific overt has been alleged against him, let the petitioner, mentioned above, 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 the Additional Chief Judicial Magistrate XVI, Vaishali at Hajipur in Sarai Police Station Case No. 211 of 2020 on the following conditions:-



(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her 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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