

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18288 of 2021**

Arising Out of PS. Case No.-60 Year-2018 Thana- ROH District- Nawada

Naresh Prasad, S/O Rajendra Mahto, R/O Village-Brajwara, Thana Road,
District-Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indradeo Prasad, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 29-10-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

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

The petitioner seeks bail in connection with Roh
P.S. Case No.60 of 2018 registered for the offence punishable
under Sections 341, 323, 307, 504, 302/34 of the Indian Penal
Code.

There is an allegation that the petitioner along with
four other accused persons have come variously armed and
assaulted the victim.

Counsel for the petitioner referring to the FIR
submits that against the petitioner, co-accused Rajendra Mahto,
Arvind Prasad and Manju Devi, there are general and omnibus



allegations. Co-accused Rajendra Mahto, Arvind Prasad and Manju Devi have not been charge-sheeted and the petitioner has been charge-sheeted, who is similarly situated. Specific allegation is against Biru Prasad describing the manner of his assault. Petitioner under such circumstances claims parity with the other three co-accused except Biru Prasad and prays for grant of bail. It is stated in the petition that he has no criminal antecedents and that he is in jail custody since 26.01.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released 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 Sessions Judge-VII, Nawada, in connection with Roh P.S. Case No.60 of 2018 (Sessions Trial No.57 of 2020), subject to the following conditions:

- (i) That one of the bailors
will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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