

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21231 of 2021**

Arising Out of PS. Case No.-400 Year-2020 Thana- SUGAULI District- East Champaran

SANJAY MAHTO Son of Lalu Mahto R/o Begiya Tola, Fulwariya Ward No. 03, P.S.- Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Ramendra Kumar Bharti, Advocate

Mr. Prem Kumar Jha, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 21-12-2021 Heard Sri Patanjali Rishi, learned counsel appearing on behalf of petitioner, Sri Ramendra Kumar Bharti, learned counsel appearing on behalf of informant and Mr. Prem Kumar Jha, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner, who is in custody since 16.11.2020, seeks regular bail in connection with Sugauli P.S. Case No. 400 of 2020, for the offence punishable under Sections 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The prosecution case, in brief, is that the informant Mankeswar Mahto has filed a petition before the S.H.O on 07.08.2020 that accused persons armed with lethal weapons surrounded the informant and his brother Nandu Mahto. The



accused persons, including the petitioner, against whom there is direct allegation of assaulting with sword on the head of Nandu Mahto, brother of informant. When informant came to his rescue then other accused persons also assaulted him with sword on his head as well.

Learned counsel appearing on behalf of the petitioner submits that all the injuries are simple in nature and no incident has taken place. The petitioner is innocent and he has falsely been implicated in this case as such the petitioner be released on bail.

Learned counsel appearing on behalf of informant submits that from the injury report, it appears that the victim has sustained incised wound on his temporal region and as such it was mere luck that he was saved by the grace of god.

Learned A.P.P. for the State supports the submission of the informant and submits that petitioner is not entitled to be release on bail.

Having heard the rival submissions of the parties, the material available on the record. The injury report suggests that injuries are simple in nature. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the



like amount each to the satisfaction of the learned Special Judge, East Champaran in connection with Sugauli P.S. Case No. 400 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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