

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23340 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- MANJHAGARH District- Gopalganj

1. Kanhaiya Mahto, Son of Balmiki Mahto, R/O Village- Sareya Akhtiyar, P.S.- Manjhagarh, District- Gopalganj.
2. Rajesh Mahto @ Rajesh Mahato, Son of Fulena Mahto, R/O Village- Sareya Akhtiyar, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-08-2021 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. Nitya Nand Tiwary, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Manjhagarh (Manjaha) P.S. Case No. 116 of 2020 registered for the offence punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added. They are in custody since 16.01.2020.

Learned counsel for the petitioners submits that this is a case of over implication of the accused which will be evident from

the allegations made in the First Information Report. Altogether 11 persons are named in the F.I.R. with an intention to harass each one of them, the dispute is over a piece of land on which both parties are claiming, there are general and omnibus allegations that all the accused persons assaulted the informant but later on specific names have been provided as to who assaulted whom.

Learned counsel submits that so far as these two petitioners are concerned, there is no specific allegation that they had assaulted any of the members of the informant's side. These two petitioners have got no criminal antecedent and in the present case they have remained in jail for about eight months.

It is further submitted that considering the nature of the allegations most of the co-accused have been granted privilege of regular bail and anticipatory bail and in this regard learned counsel relies upon the orders passed in Cr. Misc. No. 39278 of 2020, Cr. Misc. No. 34991 of 2020 and Cr. Misc. No. 35549 of 2020.

Mr. Nitya Nand Tiwary, learned A.P.P. for the State has though opposed the prayer for bail of the petitioners and submits that so far as these petitioners are concerned, there is no specific allegation against them.

Considering the facts and circumstances of the case as noticed hereinabove, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/-

(Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh (Manjaha) P.S. Case No. 116 of 2020, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.