

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32406 of 2021

Arising Out of PS. Case No.-579 Year-2020 Thana- MUFFASIL District- West Champaran

Nathuni Mahto S/O Late Dukhi Mahto R/O Village Rani Pakri, P.S. - Bettiah
(Muffasil), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-11-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Bettiah Muffassil P.S. Case No. 579 of 2020 instituted for the offences under Sections 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 06.03.2021, charge-sheet has been submitted in the case and is a person with clean antecedent.

Learned counsel for the petitioner submits that from



bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant has alleged that he was assaulted by the F.I.R. named accused persons and with respect to this petitioner and one Sonelal, it is alleged that they assaulted by *bakua* and iron rod on the head leading to injury and other accused also assaulted, as a result of which his leg got fractured and accused persons snatched away Rs. 22,000/- from the pocket of the informant.

Learned counsel for the petitioner submits that in the F.I.R. it has been alleged that this petitioner and Sonelal assaulted the informant with *bakua* and iron rod. He further submits that *bakua* is a sharp edged weapon and from perusal of inquiry report it would manifest that though there is injury on the head but the same has been caused by hard and blunt substance and there is no sharp cut injury though the injury has been held to be grievous. The learned counsel submits that since the allegation of assault by *bakua* on this petitioner does not get corroborated from the injury report, as such the petitioner deserves to be enlarged on bail.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that though the learned counsel for the petitioner has submitted that injuries



have been caused by hard and blunt substance but the injury report is not on record.

Considering the fact that the petitioner is in custody since 06.03.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Bettiah (Muffassil) P.S. Case No. 579 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. only after the learned court below on perusing the case diary is satisfied that the injury on the head is caused by hard and blunt substance and there is no incised wound inflicted to the informant.

(Satyavrat Verma, J)

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