

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4586 of 2021

Arising Out of PS. Case No.-418 Year-2020 Thana- KHAGARIA District- Khagaria

MURLI MAHTO Son of Late Lakhan Mahto Resident of Village - Rani Sakarpura, Tola Bhorha, P.S.- Khagaria (Gangour), Dist.- Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in Khagaria (Gangour) PS Case No. 418 of 2020 registered under Sections 341, 323, 504, 506, 379, 448 and 308/34 of the IPC.

The allegation is that the instant petitioner along other accused have assaulted the informant, her family members and decamped with some belongings. Against the petitioner allegation is of throwing the informant down on the ground causing her to become naked and thereafter assaulted her with iron rod on her hand.

Learned Counsel for the petitioner submits that the prosecution and accused side are agates. There is subsisting land dispute and the same has led to false implication which is apparent from the delay in lodging the FIR. The FIR has been lodged on 14.6.2020 nearly 15 days after the occurrence dated 30.5.2020. The



petitioner is in custody since 9.7.2020 and he has no criminal antecedent. Even in the investigation offences under Sections 379 and 354 IPC have been dropped. The injury report shows the injury sustained by the informant to be simple in nature.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Khagaria in Khagaria (Gangour) PS Case No. 418 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.

(Madhuresh Prasad, J)

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