

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3702 of 2021

Arising Out of PS. Case No.-60 Year-2019 Thana- BHADAUR District- Patna

BHOLI MAHTO Son of Ekarsi Mahto R/o Village- Sildahi, Police Station-
Bhadaur, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel 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 Bhadaur PS Case No. 60 of 2019 registered under Sections 147, 148, 149, 307, 120B of the IPC and Section 27 of the Arms Act.

Based on preexisting dispute regarding grazing of the farm land by she-buffalo of the petitioner, it is alleged that the petitioner has assaulted Ravinder Mahto on the back of the neck.

Learned Counsel for the petitioner submits that it is a case of false implication. There is no progress in the trial and that till date even charges have not been framed. The petitioner has now been in custody since 30.11.2019. It is further submitted that falsity of the allegation is evident from the fact that FIR has been lodged on 26.8.2019, however the same reached the Court on 28.8.2019. The earlier prayer for bail was rejected by this Court on 6.7.2020.



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 Sri P.K.Tiwari, Judicial Magistrate, 1st Class, Barh, Patna in Bhadaur PS Case No. 60 of 2019 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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