

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.255 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- GHOGHARDIHA District- Madhubani

Ram Pravesh Mahto, Son Of Hare Ram Mahto, Resident Of Village- Bagraha,
P.S.- Ghoghardiha, District- Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate
For the Opposite Party/s : Mr. B.N. Pandey, A.P.P.
For the Informant : Mr. Gagan Deo Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 Learned counsel for the petitioner 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 petitioner, learned counsel for the informant and Mr. B.N. Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ghoghardiha P.S. Case No. 67 of 2020 (G.R. No. 768 of 2020) registered for the offence under Sections 341/342/323/325/307/379/504/506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story while the informant's son had came out from his house and reached near the house of Birendra Kumar



Mahto he was encircled by the accused persons who were armed with deadly weapons. It is alleged that on the order of co-accused Vidya Nand Mahto, co-accused persons named in the F.I.R. assaulted on the head of his brother Prabhu Narayan Mahto and snatched Rs. 3000/- and mobile from him. It is further alleged that when the informant and others went to rescue him then the accused persons started pelting stones from the roof of their respective houses.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation of causing assault against the petitioner. It is further submitted that there is counter version of the occurrence being Ghoghardiha P.S. Case No. 68 of 2020 from the petitioner's side. It is further submitted that only one lacerated injury has been found on the head of injured Prabhu Narayan Mahto. The petitioner is in custody since 12.06.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein there is case and counter case between the parties in respect of the alleged occurrence, there is no specific



allegation of assault against this petitioner and only vital injury on the head of the injured Prabhu Naryan Mahto has not been attributed to this petitioner, the petitioner has remained in jail since 12.06.2020, investigation against him is complete and at this stage the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 67 of 2020 (G.R. No. 768 of 2020), subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

