

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2246 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- BHADAUR District- Patna

Shyam Kishore Prasad @ Shyam Mahto, son of Late Bodh Narayan Mahto @
Bodh Narayan Prasad, R/O Village-Chakjalal, P.S.- Bhadaur, District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Amit Kumar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-05-2021 This matter has been taken up today for consideration through video conferencing in view of resurgence of COVID-19 Pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned counsel for the informant as well as the learned APP for the State.

The petitioner seeks bail in connection with Bhadaur P.S. Case No.59 of 2020 instituted for the offence punishable under Sections 447, 341, 323, 324, 326, 307, 302, 504, 506/34



of the Indian Penal Code.

The prosecution party and the accused persons are “*Gotia*” (agnates). The allegation is that accused persons have thrown cow dung in front of the house of the informant. On objection being raised, they have all assaulted the informant and her family members. The specific allegation of assault by knife is attributed to the son of the petitioner, namely, Pankaj Kumar. It is the only injury corroborated by the post-mortem report, as per the submission of the learned counsel representing the petitioner. It is his submission that in view of the subsisting dispute between the parties, the petitioner and his wife have also been implicated. The wife of the petitioner has since been allowed bail in Cr.Misc. No.33512 of 2020, vide order dated 12.12.2020. The petitioner is on bail in Barh Complaint Case No.369 of 2019 pending against him since before. In the instant case, he is in custody since 03.07.2020.

Learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. Their submission is that there is specific allegation of active participation in the assault by the petitioner.

Considering the rival submissions, this Court is inclined to allow petitioner’s prayer for bail.



Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Barh, in connection with Bhadaur P.S. Case No.59 of 2020, subject to the following conditions:

(i) That one of the bailors of the petitioner 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 bonds will be liable to be cancelled.

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

(Madhuresh Prasad, J)

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