

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1702 of 2021

Arising Out of PS. Case No.-135 Year-2019 Thana- BAIRIYA District- West Champaran

CHINTAMAN MAHTO, SON OF LATE MAHADEV MAHTO, RESIDENT OF VILLAGE-NARAYANPUR JAGDISHPUR, BAIJUA, WARD NO. 09, POLICE STATION-BAIRIYA, DISTRICT- WEST CHAMPARAN AT BETTIAH (BIHAR) AT PRESENT RESIDENT OF VILLAGE- BAGAHI RATANPUR, POLICE STATION- BAIRIYA, DISTRICT- WEST CHAMPARAN AT BETTIAH (BIHAR).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-09-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 04.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Bairiya P.S. Case no. 135 of 2019, registered under Sections 147, 148, 149, 447, 341, 323, 324, 307, 504, 506 and 379 of the Indian Penal Code.

The accusation is that 12 persons named in the F.I.R., including the petitioner, and 6-7 unknown having armed



with lathi, stick and Farsa came at the door of the informant and started to abuse, at that time, Hari Choudhary, Chintaman Mahto (Petitioner), Baliram Sao and Ganesh Sao ordered to kill and loot. Thereafter, all started to cause assault through Lathi, Stick and Farsa in which informant Jitendra Rao his father, mother and sister sustained injuries. At that time, they also looted his ornaments and house hold articles.

Learned counsel for the petitioner submits that while the petitioner is named in the F.I.R., but only allegation against the petitioner is to instigate others to cause assault. Further submission is that similarly situated co-accused Subhash Chaudhary and Bharmendra Choudhary have been allowed privilege of pre-arrest bail on 17.10.2019 passed in Criminal Miscellaneous No. 62952 of 2019 by a Co-ordinate Bench of this Court. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, West Champaran at Bettiah in



connection with Bairiya P.S. Case No. 135 of 2019, subject to
the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

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

