

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5947 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- JOGAPATTI District- West Champaran

Jaiprakash Kushwaha @ Jaiprakash Prasad, Son of Harihar Mahto @ Harihar Prasad, R/O Village- Laxmipur, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar, Advocate
For the S t a t e	:	Mr.Anil Prasad Singh, APP
For the Informant	:	Ms Rashmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-07-2021 The matter has been taken up today for consideration through video conferencing.

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 Yogapatti P.S. Case No.115 of 2020 registered for the offence punishable under Section 341/323/324/307/325/354B/379/384/ 504/506/34 of the I.P.C.



There is an allegation that the informant's brother has been accosted by the petitioner and other co-accused persons and demanded Rs.one lac from him as *Rangdari*, otherwise they will get his land ploughed. On protest, there is an alleged indiscriminate assault by all accused persons, including the petitioner, who has allegedly assaulted the informant causing fracture in his right hand and bruise in left hand.

Learned counsel for the petitioner submits that it is a case of false implication. On 04.04.2020 case had been lodged against the prosecution party of the instant case by the accused side alleging assault wherein one of the accused Om Prakash Mahto has sustained injuries. The falsity is evident from the fact that the FIR has been lodged on 08.04.2020 as a counterblast to the said prosecution, making allegation of assault allegedly perpetrated on 03.04.2020. The prosecution case regarding assault by one Shivnath Mahto also stands belied by the injury report which does not corroborate injury by a sharp cutting weapon.

Learned APP for the State and the learned counsel for the informant have submitted that indiscriminate assault by the instant petitioner along with others and the fact that he is



accused of three cases pending against him since before are indicative of the gravity of the allegation.

Considering the rival submissions and the fact that the petitioner is in custody since 17.08.2020, though on bail in the earlier three cases, this Court is inclined to allow the 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 the learned C.J.M., Bettiah, West Champaran, in connection with Yogapatti P.S. Case No.115 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.

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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