

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9728 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- SANGRAMPUR District- East
Champaran

-
1. Govinda Mahto @ Govindga Mahto, Son Of Late Dhanesh Mahto, R/O Village- Panchbhirwa, P.S.- Sangrampur, District- East Champaran.
 2. Tufani Mahto, Son Of Late Dhanesh Mahto, R/O Village- Panchbhirwa, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioners 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 petitioners and Mr. Sanjay Kumar Tiwary, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Sangrampur P.S.Case No.159 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379 and 504/34 of the Indian Penal Code.

As per the prosecution story, on 03.07.2020 at about 7.30 pm all the accused persons including these petitioners came at the door of the house of the informant and started abusing him. It is alleged that on protest made by the informant the



petitioners started assaulting him with fists, slaps and iron rod on his head. It is alleged that when the sister-in-law came to rescue the informant, she was also assaulted by the petitioners and they snatched away magalsutra from the neck of his sister-in-law worth Rs.22,000/-.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that both the parties are next-door neighbours and there is no specific allegation of assault against the petitioners. It is submitted that the petitioners have no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the submissions that the informant has not suffered any injury on his head which would be evident from the injury report enclosed with the present petition showing that the informant had suffered lacerated wound on left forearm and all the injuries are simple in nature, further considering that the allegation of giving assault to Ratan Devi is against both the accused, however, only one lacerated wound has been found on her scalp and that too is simple in nature, considering the nature of disputes between the parties who are



next-door neighbours and the kind of injuries noticed above, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Sangrampur P.S. Case No.159 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Motihari, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Rajeev Ranjan Prasad, J)

arvind/-

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'.

