

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11155 of 2021

Arising Out of PS. Case No.-130 Year-2020 Thana- FATEHPUR District- Gaya

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1. SURENDRA PRASAD SON OF ADITYA MAHTO, R/O VILLAGE-DHIPAR, P.S.- FATEHPUR, DISTT.- GAYA.
 2. MUSAFIR MAHTO SON OF LATE PRAMESHWAR MAHTO, R/O VILLAGE- DHIPAR, P.S.- FATEHPUR, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vishwa Ranjan Choudhary
For the Opposite Party/s :	Mr. Mrigendra Kumar Ramashish
	Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 26-07-2021 In view of sudden resurgence of COVID–19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioners and the learned APP for the State.

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

Petitioners seek bail in Fatehpur P.S. Case No. 130 of 2020 registered for offence punishable under sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302 and 120 (B) of the Indian



Penal Code.

There is an allegation that altogether 17 persons have assaulted the informant's cousin and other family members. The dispute is based on filling of a well of which the entire villagers claim to be beneficiaries.

The learned Senior Counsel submits that the instant petitioners have falsely been implicated. Petitioner no. 1 is 62 years old and petitioner no. 2 is 74 years old. They have no connection with the occurrence. They did not participate in the assault and merely because they were in the locality they have been implicated. They have no concern with the dispute and are of clean antecedent. They are in custody since 22.06.2020. i.e. more than a year.

Learned counsel for the informant and learned APP have opposed the prayer and they have submitted that at least four persons have sustained grievous injuries on their vital parts and one has lost his life in the occurrence.

Considering the rival submissions, the age of the petitioners and their period of incarceration, their prayer is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-X, Gaya in
Fatehpur P.S. Case No. 130 of 2020, subject to the following
conditions:-

- (i) That one of the bailors will be a close relative of
the petitioners who will give an affidavit genealogy
as to how he is related with the petitioners. The
bailor will also undertake to inform the Court if there
is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on
each date and if they fail to do so on two
consecutive dates, their bail bonds will be liable to
be cancelled.

(Madhuresh Prasad, J)

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