

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7359 of 2022**

Arising Out of PS. Case No.-465 Year-2021 Thana- SURSAND District- Sitamarhi

Sanjay Mahto Son Of Ganesh Mahato Permanent Resident Of Village-  
Srikhandi Dvithha, Police Station- Sursand, District- Sitamarhi, At Present  
Resident Of Village- Banauli, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      12-07-2022                      Heard Mr. Madhubala Sharma, learned counsel  
appearing on behalf of the petitioner as well as Mr. M. K.  
Nirala, learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in  
connection with Sursand P.S.Case No. 465 of 2021 for the  
offences punishable under Sections 341, 323, 324, 327,  
379, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on  
30.09.2021, the petitioner and his wife were erecting a new  
construction over their private land which was objected by  
the informant whereupon the petitioner armed with Koshali  
and his wife armed with iron rod assaulted the informant. It  
is alleged that petitioner assaulted the informant over his



head due to which he felt unconscious.

Learned counsel for the petitioner submits that the present FIR is a counter blast of Sursand P.S. Case No. 462 of 2021 which was been instituted by the petitioner against the informant wherein the petitioner himself received injuries. However, the prosecution failed to explain the injuries sustained by the petitioner and his wife. It is further submitted that even as per the FIR, there is no allegation of repetition of blow and in fact, on account of land dispute, a free fight has taken place due to which both the sides sustained injuries. It is next submitted that petitioner is in custody since 06.10.2021 and moreover, investigation of the crime has already been completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that the injuries inflicted to the informant have been found to be grievous in nature and caused on a vital part of the body. Petitioner has found involved in two other cases.

Having heard the rival contentions of the parties and taking into consideration the fact that there is case and



counter case between the parties and it appears that on account of land dispute a free fight had taken place resulting into injuries to both sides and moreover, the petitioner is in custody since 06.10.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> class, Pupri, Sitamarhi in connection with Sursand P.S.Case No. 465 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal



antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

**(Harish Kumar, J)**

N.K/-

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