

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9912 of 2022

Arising Out of PS. Case No.-289 Year-2020 Thana- JOGAPATTI District- West Champaran

ROHIT MAHTO @ ROHIT KUMAR @ MOHIT MAHTO S/o Nawal Mahto
R/o village- Shivpatti, P.S.- Sanichari O.P., District- West Champaran
(Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Yogapatti
(Sanichari) P.S. Case No. 289 of 2020 registered for the offence
under Sections 147, 148, 149, 341, 342, 323, 324, 307, 379, 504
and 506 of Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.12.2021.

The allegation against the petitioner is to assault with
axe on the head of the injured/informant with intention to cause
death.



Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight between the parties for neighbouring dispute. It has further been submitted that for the same occurrence, a counter case has already been lodged. It has further been submitted that nature of injury found upon the face of injured/informant is single and lacerated in nature, which contradict the nature of weapon alleged to be used for assault. It has further been submitted that assault was not repeated without having any intervening circumstances, which negate the intention of the petitioner.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that there is case and counter case between the parties.

Considering the facts and circumstances as mentioned above, as alleged assault is not repeated without intervening circumstances, negating the intention of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Yogapatti (Sanichari) P.S. Case No.289 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran Bettiah, subject to the following



conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Jamadar Mahto, who is the grandfather (Dada) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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