

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19781 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- KATHAIYA District- Muzaffarpur

Dinesh Mahto Son Of Dhani Mahto R/O Village- Sahi Aswari, P.S.- Kathaiya,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad,Adv

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 12-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Kathaiya
P.S.Case No. 108 of 2020 registered for the offence under
Sections 447,341,323,307,504 of the Indian Penal Code.

The prosecution case in short is that on 21.08.2020
Dinesh Mahto came to the door of the informant-Sumitra Devi
and started abusing. Dinesh Mahto, who assaulted the mother-
in-law of the informant by sharp cutting weapon. The age of the
mother-in-law is 85 years old. Dinesh Mahto also attacked upon
the children. The mother-in-law sustained injury in leg and
hand.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present



case. He further submits that as per allegation petitioner assaulted by sharp cutting weapon but the injury report did not corroborate the allegation as mentioned in the FIR. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons. Petitioner is in custody since 22.08.2020.

Learned A.P.P. for the State, on the basis of the case dairy, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact and period of custody, 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 learned Additional Chief Judicial Magistrate IV, Muzaffarpur in connection with Kathaiya Police Station Case No.108 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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