

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10900 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

SIKANDAR MAHTO S/o Late Luri Mahto R/o village- Phulmalik, P.S.-
Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choubey Jawahar
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 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 Sahebpur
Kamal P.S. Case No.117 of 2021 registered for the offence
under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.12.2021.

The allegation against the petitioner is to assault the
informant and his family members along with other co-accused
persons, equipped with deadly weapons like iron road, lathi, etc.



Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is found over the land dispute, but there is free fight between the parties for which a counter case was lodged bearing Sahebpur Kamal P.S. Case No. 116 of 2021 by the petitioner. It has further been submitted that nature of injury is simple and as such it cannot be gathered that petitioner was under intention to cause death. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nature of injury as alleged to be caused by the petitioner is simple in nature.

Considering the facts and circumstances as mentioned above, as the nature of injury, which is simple and not repeated, only suggests that petitioner was not under intention to cause death coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sahebpur Kamal P.S. Case No. 117 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M., IVth, Begusarai, 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.

(iii) That one of the bailors shall be Abhishek Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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