

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12405 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- MOTIPUR District- Muzaffarpur

KAMLESH MAHTO S/o Late Ram Chandra Mahto Resident of Village -
Dariya Chhapra, P.S. - Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 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 Motipur
P.S. Case No. 191 of 2021 registered for the offence under
Sections 341, 323, 324, 307, 379, 354 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.09.2021.

The allegation against the petitioner is to assault the
informant and his family members along with other co-accused
persons for previous enmities arises out of loan transactions.

Learned counsel appearing on behalf of the petitioner



submitted that as occurrence is nothing but free fight between the parties, where both the parties received injuries. It is submitted that petitioner has also lodged a case as Motipur P.S. Case No. 193 of 2021, for the same set of occurrence. It is also submitted that the manner of assault is very much general and omnibus. It is further submitted that nothing surfaced during course of investigation which may suggest that the petitioner was under intention to cause death and as also that assault caused by the petitioner was repeated without having any intervening circumstances. It is also pointed out that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that occurrence is nothing but free fight between the parties, where petitioner has also lodged a case for the same set of occurrence.

Considering the facts and circumstances as mentioned above, as occurrence is nothing but free fight between the parties, negating intention 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 Motipur P.S. Case No. 191 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 Court of A.C.J.M II (West), Muzaffarpur/concerned court, 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 Ram Ashish Mahto who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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