

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22394 of 2021

Arising Out of PS. Case No.-171 Year-2017 Thana- CHAPRA TOWN District- Saran

1. RAMOO MAHTO Son of Late Bishnu Mahto Resident of Village - Purwari Rauja Dharu tola, P.S. - Chapra town, Dist.- Chapra (Saran), State - Bihar.
2. Shyamo Mahto Son of Late Bishnu Mahto Resident of Village - Purwari Rauja Dharu tola, P.S. - Chapra town, Dist.- Chapra (Saran), State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Mohan Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-01-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Chapra Town P.S. Case No. 171 of 2017 registered for the offences punishable under Sections 447, 341, 323, 325, 504, 302, 34 of the IPC.

The prosecution case, in brief, is that one Ranglal Mahto gave his statement to the S.I. in PMCH on 18.04.2017



alleging therein that on 17.04.2017 he was sitting at his door along with his family members. On the same day at about 7 PM petitioners and other accused armed with weapon came there and due to land dispute started abusing them. Hearing sound, the informant's son raised objection. The petitioners assaulted his son with iron rod with an intent to kill him. The informant's son fell down and became unconscious. When the informant came to his rescue, co-accused persons assaulted him with lathi causing injury on his head. Upon hulla, the villagers gathered there and accused persons fled away. The injureds were taken to hospital from where informant's son was referred to PMCH.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. It is further submitted that during investigation, not a single eye witness has stated anything about the involvement of the petitioners in the present crime. The postmortem report also does not support the story of the prosecution version.

Vide order dated 16.11.2021 a report was called for with regard to present stage of the trial.

The required report has been received. The aforesaid report reveals that out of nine witnesses, five witnesses have



been examined by the prosecution.

Learned counsel for the petitioners submits that all the examined witnesses have been declared hostile and they have not deposed anything against the petitioner and the aforesaid fact is clear from perusal of depositions of the witnesses. Learned counsel further submits that petitioner is in custody since 20.10.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra (Saran) in connection with Chapra Town P.S. Case No. 171 of 2017, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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