

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14882 of 2022**

Arising Out of PS. Case No.-341 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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Sikandra Mahto @ Sikander Mahto, S/O Mohan Mahto @ Mohan Mahato
R/O Village- Pokharia Rai, P.S.- Chanpatiya, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Bettiah Townf (Kalibagh O.P) P.S. Case No. 341 of 2021, for
the offence punishable under Section 341, 323, 504 and 506 of
the Indian Penal Code and later on Section 353 of the Indian
Penal Code and Section 42 of the Prisoner Act has been added.

The prosecution story, in brief, is that a report was
made by the warden of the Sub-Divisional Jail, Bettiah, West
Champaran alleging therein that on 29.05.2021 prisoner Vinay
Pathak and Chhotu Rao were brutally assaulted by the petitioner
and co-prisoners, while both of them were in custody in



connection with another case.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He further submits that similarly situated co-accused Sonu Choudhary, Pankaj Choudhary and Irshad Dewan have already been enlarged on bail vide order dated 05.05.2022 passed in Criminal Miscellaneous No. 71066 of 2021 and vide order dated 05.05.2022 passed in Criminal Miscellaneous No. 70932 of 2021 by a coordinate Bench of this Court. The petitioner is in custody since 06.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, taking into consideration the period of custody undergone by the petitioner and similarly situated co-accused have already been enlarged on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in



connection with Bettiah Town (Kalibagh O.P) P.S. Case No. 341
of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the Court
concerned.

(2) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature
of offence, after his release on bail, the trial Court shall take
steps to cancel his bail bonds.

(Purnendu Singh, J)

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