

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16678 of 2022

Arising Out of PS. Case No.-296 Year-2021 Thana- JALALPUR District- Saran

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1. Dharmendra Mahato Son of Chandeshwar Mahto Resident of Village - Inamipur, P.s.- Jalalpur, Dsitt.- Saran at Chapra.
 2. ARJUN MAHATO Son of Shailesh Mahto Resident of Village - Inamipur, P.s.- Jalalpur, Dsitt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrinath Manjhi, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-10-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

According to prosecution case, in short, is that on 14.11.2021 the informant's co-villagers Dharmendra Mahto, Arjun Mahto, Parduman Mahto and wife of Dharmendra entered in informant's house with weapons and arms. They started looting informant's house which was protested by the daughter-in-law of the informant and she raised alarm, therefore,



informant's son Chandan Kumar arrived where he saw all the persons were fleeing away from the house. In the meanwhile, Arjun Mahto was apprehended, thereupon, Dharmendra Mahto ordered to kill with his knife. Thereafter, Arjun Mahto stabbed with knife on his back and arm. In the meanwhile, informant's brother Saheb Sah came, thereupon, Dharmendra Mahto also assaulted with knife and caused injuries in his hand.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to Panchayat Election. He further submits that no case is made out under Section 307 of the Indian Penal Code against these petitioners and the injury report of the Chandan Kumar suggests that the injury no.1 is simple in nature caused by sharp object whereas injury no.2 is hard and blunt object.

Vide order dated 11.07.2022, injury report was called for with regard to the injury report of Saheb Sah. A letter dated 17.09.2022 received from the office of Superintendent of Police, Saran at Chhapra in which a letter of Saheb Sah was annexed wherein it is categorically stated that there is no medical evidence of injury.

Learned counsel for the petitioners submits that in



view of the report, it is crystal clear that the Saheb Sah was not injured and the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 04.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Jalalpur P.S. Case No. 296 of 2021, 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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