

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21270 of 2022**

Arising Out of PS. Case No.-76 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Kuldeep Kumar Son of Late Ranjeet Mahto Resident of village - Singhiya
Ghat, Ward No.- 09, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 02-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 76 of 2020 registered for the offence
under Sections 307, 323, 324, 341, 379, 427, 504, 506 and 34 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.04.2021.

The allegation against the petitioner is to assault the
son of the informant by using sword repeatedly, with intention
to cause death, in the background of previous land dispute, and
also due to harvesting of wheat crop.



At the outset, learned counsel for the petitioner submitted that as some of the material witnesses have been examined during the last six months, therefore, the present bail petition has been directly filed before this Court, without availing the liberty.

Learned counsel appearing on behalf of the petitioner submitted that the allegation, as regard to assault, is very much general and omnibus, and it appears to be in context of co-accused, namely, Ramchandra Mahto, as per F.I.R. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that both injured received four incised wounds over fatal parts of the body but fairly conceded that allegation appears to be very much general and omnibus, as per F.I.R.

In view of the facts and circumstances, as mentioned above, as allegation regarding assault is very much general and omnibus against this petitioner 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 Bibhutipur P.S. Case No. 76 of 2020 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Rosera, Samastipur/concerned Court, subject to the following conditions:

“(i) That 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 Jay Prakash Mahto, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Archana/-

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