

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22452 of 2022

Arising Out of PS. Case No.-321 Year-2021 Thana- MUFFASIL District- West Champaran

Mohan Mahto Son Of Late Jiut Mahto R/O Village- Hirapakad, P.S.-
Manuapul O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s :	Mr. Surendra Prasad Singh, APP
for the Informant	Mr. Vimlesh Kuamr Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-10-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

Petitioner seeks bail in a case registered in connection
with Bettiah Muffasil (Manuapool) P.S. Case No. 321 of 2021
for the offences punishable under Sections 147, 148, 149, 341,
323, 324, 307, 504, 506 of the Indian Penal Code.

The prosecution case is based on a written report
filed by the informant alleging therein that on 13.05.2021, all
the FIR named accused persons including the petitioner came to
the house of the informant and threatened not to contest the



election for Zila Parishad. On being protested, all the accused persons including the petitioner assaulted the informant and his son by means of farsa and iron rod due to which they sustained head injuries. It is also alleged that the informant's wife was sitting member of Zila Parishad also sustained injuries.

Learned counsel for the petitioner submits that the present FIR has been instituted in the back drop of election dispute between the parties and in fact there is a counter version of the present case i.e Bettiah Muffasil P.S.Case No. 322 of 2021 lodged by side of the petitioner against the present informant and others. He next submits that from the FIR, it is also evident that no specific allegation has been attributed against the petitioner rather general and omnibus allegation has been levelled against eight FIR named accused persons and ten unknown persons and considering the nature of allegation other co-accused persons having identical allegation have been allowed privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 21721 of 2022 vide order dated 05.09.2022. He further submits that though the petitioner is found involved in twelve other criminal cases. However the petitioner is on bail in all the cases and in some of them he has been acquitted from all the charges. While concluding his



submission he lastly submits that petitioner is in custody since 07.01.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner is terror of locality as is evident from the long list of criminal antecedent. He next submits that specific allegation has been levelled against the petitioner that he along with other co-accused persons in furtherance of common intention brutally assaulted the informant and his wife and son and also made firing which fortunately did not hit any body.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation and the nature of injuries which have been found to be simple in nature and other accused persons having similar allegation has already been allowed privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil (Manuapool) P.S.Case No. 321 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

(Harish Kumar, J)

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