

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27589 of 2022**

Arising Out of PS. Case No.-48 Year-2021 Thana- BHEJA District- Madhubani

Pravesh Yadav S/o Late Deo Narayan Yadav Resident of Village - Bheja, P.S.
- Bheja, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
: Mr. Bhaskar Shankar, Advocate
For the State: : Mrs. Anita Kumari Singh, APP
For the informant: : Mr. Raghav Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2022 Heard Mr. Krishna Prasad Singh, Senior Counsel
and Mr. Raghav Prasad, learned counsel for the informant as
also Mrs. Anita Kumari Singh, the learned APP for the State.

The petitioner is in custody in connection with
Bheja P.S. Case No. 48 of 2021 under sections 307, 341, 323,
324, 325, 326, 379, 504, 506/34 of the Indian Penal Code and
later section 302 of the IPC was added.

The allegation in the FIR is that the accused
persons including the petitioner herein surrounded the son and
husband of the informant and started abusing them. It is
alleged that when his elder son Ghananand Mahto protested,



the accused persons started thrashing them. In the process, it is alleged that this petitioner, Shyam Sundar Mahto gave repeated 'Farsa' blow on the head of Ghananand Mahto followed by assault on his leg by one Raja Babu. Both son and husband of the informant were severally injured with Ghananand Mahto having head injury. The injured persons were referred to DMCH and from there to PMCH.

So far as this petitioner is concerned, the allegation against him is that after severe thrashing by Shyam Sundar Mahto, Raja Babu and Baldeo Mahto he snatched gold chain from both the informant's sons.

The learned Senior Counsel for the petitioner submits that specific allegation has been made against other accused persons and has further submitted that one of the co-accused namely Basudeo Mahto has since been enlarged on bail vide Cr. Misc. No. 61384 of 2021 on 9.5.2022 by a coordinate bench of this Court. He lastly submits that he is in jail since 15.11.2021 (as stated in para-15 of the bail application).

Taking into account the fact that the allegation of assault is on Shyam Sundar Mahto, Baldeo Mahto and Raja Babu and so far as this petitioner is concerned, it has been



alleged that he has snatched gold chain from the two injured persons, one of the co-accused namely Basudeo Mahto has since been enlarged on bail as also that he is in custody since 15.11.2021 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st, Jhanjharpur, Madhubani, in connection with Bheja P.S. Case No. 48 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or



threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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