

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28014 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- RIGA District- Sitamarhi

1. ARJUN MAHTO SON OF ASHARFI MAHTO R/O VILLAGE- DOHARA SAHAWAJPUR, P.S.- RIGA, DISTRICT- SITAMARHI
2. RAJA MAHTO SON OF ASHARFI MAHTO R/O VILLAGE- DOHARA SAHAWAJPUR, P.S.- RIGA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28113 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- RIGA District- Sitamarhi

RAMESH MAHTO Son of Shivji Mahto Resident of Village - Shahabajpur,
P.S.- Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28014 of 2022)

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 28113 of 2022)

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioners and

learned counsel for the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioners are in judicial custody in connection



with Riga P.S. Case No. 112 of 2021 for the offences under Sections 307, 323, 324, 341 and 504/34 of the Indian Penal Code.

As per the FIR, it is alleged that the informant was working in the school field where the accused persons were consuming liquor. Upon objection, it is alleged that they brought arms from their home and assaulted the informant and others causing injuries and one of them, Satyam Kumar, it has been alleged that the same was grievous in nature.

Learned counsel for the petitioners submit that they have been implicated in this case. Actually they are poor men and cultivating the land and the informant and others were consuming liquor which was objected by them, in retaliation, there was a free fight in which he sustained injuries and lodged FIR against them. He further submits that there was no motive for the assault and for any injury that happened to the informant's side, they have already been suffered by being in jail since 23.02.2022 and 09.02.2022 in Cr. Misc. No. 28014 of 2022 and 23.02.2022 in Cr. Misc. No. 28113 of 2022.

Taking into account the fact that the petitioners are in custody since 23.02.2022, 09.02.2022 and 23.02.2022, charge sheet stands submitted and they will have to face the trial



respectively, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -VI, Sitamarhi in connection with Riga P.S. Case No. 112 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners 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 their cancellation of bail by the Trial Court itself;

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

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is



allowed.

(Rajiv Roy, J)

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