

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38925 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Kanhaiya Mahto Son of Ram Bilash Mahto Resident of Village - Karkauli,
P.S.- Sadar (Mabbi O.P.), District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Sadar (Mabbi
O.P.) P.S. Case No. 149 of 2020 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 379,
504 and 506 of the Indian Penal Code.

According to prosecution case, one Suraj Mahto gave
his written statement before O/c Mabbi alleging therein that five
to six persons came there and told that you have not to light any
candle but he lighted the candle at his house in honour of the



call given by the Hon'ble Prime Minister. It has been alleged that the co-accused Milan Mahto objected to the lighting of a candle and threw away the candle from the door of the house of the informant. When the informant protested, the said co-accused started hurling abuses at the informant and also assaulted him with fists and slaps. The informant complained to the Mukhiya of the Panchayat about the said occurrence. It has been further alleged that when the informant was taking his dinner along with his family members, all the accused persons including the petitioner, came to the house of the informant being armed with lethal weapons and the petitioner Kanhaiya Mahto, dealt a Farsa blow on the head of the informant causing bleeding injuries to him and all the accused persons assaulted the family members of the informant and they took away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation against the petitioner that he assaulted on the head of the informant with Farsa causing bleeding injuries to him. He further submits that the injury report caused by hard and blunt substance but the nature of injury is grievous. He



further submits that there is no allegation of the repetition and there is no intention to kill the informant. He further submits that after investigation police has submitted the charge sheet against the petitioner and other co-accused persons. The petitioner is in custody since 23.03.2021.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Sadar (Mabbi O.P.) P.S. Case No. 149 of 2020, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 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 cancellation 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.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

