

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35797 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- BIBHUTIPUR District- Samastipur

MANOJ KUMAR @ MANOJ KUMAR MAHTO @ MANOJ MAHTO S/o
Ram Mohit Mahto Resident of Village- Dih Goriya, P.S.- Bibhutipur, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office be
removed within four weeks.

The petitioner is in judicial custody in connection with
Session Trial No. 31 of 2022 arising out of Bibhutipur P.S. Case No.
111 of 2021 for the offences under Sections 307, 323, 325, 341,
354(B), 379, 380, 427, 447, 448 and 506 of the Indian Penal Code.

As per the FIR, the allegation against all the accused
persons are that they did not want the mother-in-law of the informant
to appear as witness in the killing of Sonu Kumar and upon her
refusal to do so, the presence occurrence took place in which
allegation against the petitioner amongst other is of giving ‘farsa’
blow.



Learned counsel for the petitioner submits that the allegation against him is of giving 'farsa' blow to Sudha Devi but the injury report which is part of the bail application, (as contained in Annexure-2), shows that all the injuries are due of hard and blunt substance and have been found to be simple in nature. In the backdrop of the said fact, learned counsel for the petitioner submits that he is in custody since 13.09.2021 (as stated in paragraph -5 of the bail application) he deserves bail. It is his last submission that despite he has been alleged to be one of the accused in the present case, considering the fact that the lady had suffered and had injuries, he intends to provide medical expenses of Rs. 20,000/- (twenty thousand) through demand draft issued by the State Bank of India, Local Branch in favour of said Sudha Devi.

Taking into account the fact that the injury has been found to be simple in nature, he is in custody since 13.09.2021 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail subject to payment of Rs. 20,000/- (twenty thousand) towards medical expenses to Sudha Devi through demand draft issued by the State Bank of India, local branch to be deposited before the Trial Court and the same shall be released after checking the *bona fide* of Sudha Devi.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate, Rosera, Samastipur in connection with Session Trial No. 31 of 2022 arising out of Bibhutipur P.S. Case No. 111 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member 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 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)

Jagdish/Neha-

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

