

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40941 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- KHODAWANDPUR District- Begusarai

RAM NARESH MAHTO Son of Late Lakhan Mahto Resident of Village -
Fafaut, P.S. - Khodawandpur, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khodawandpur P.S. Case No. 238 of 2020 registered for the
offence under Sections 341, 342, 323, 307, 302, 34 of the Indian
Penal Code.

The informant and his father are subjected to assault
by way of lathi and danda by the petitioner and others as a result
of which the father of the informant died during course of
treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
there is land dispute between the parties and for that reason the



petitioner has been made accused in this case. Although allegation of assault is narrated in the F.I.R. against the petitioner but nobody has claimed to be the eye witness to the alleged occurrence of assault. He further submits that according to the F.I.R. itself, the petitioner is said to have assaulted the informant but no allegation of assault to the father of the informant is attributed to the petitioner. Therefore, rigors of Section 302 of I.P.C. does not apply in this case against the petitioner. Moreover, the police has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.01.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner on the ground that there is specific allegation of assault against the petitioner. However, he has fairly submitted that during course of investigation no one has claimed to be the eye witness to the alleged occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Begusarai in connection with Khodawandpur P.S. Case No. 238 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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