

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43013 of 2021

Arising Out of PS. Case No.-650 Year-2020 Thana- MAJHAULIA District- West Champaran

1. Hari Mahato S/O Late Bhikhari Mahato R/O Village- Narayanpur Parsa, P.S.- Majhauiliya, District- West Champaran.
2. Pramod Mahato S/O Singhasan Mahato Resident Of Village- Narayanpur Parsa, P.S.- Majhauiliya, District- West Champaran.
3. Manejar Mahato S/O Thag Mahato Resident Of Village- Narayanpur Parsa, P.S.- Majhauiliya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Majhauiliya P.S.Case No. 650 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 of the Indian Penal Code.

As per prosecution case, it is alleged that on 02.09.2020, the nephew of the informant went for tuition but he



did not return till evening, therefore, the informant started searching him. In the meanwhile, he found that all the FIR named accused persons were assaulting his nephew and when the informant went to save his nephew co-accused Chandra Kishore Mahato assaulted him with Farsa on his head and his nephew was also assaulted by co-accused persons by lathi and danda due to which he sustained serious injuries.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioner that there is general and omnibus allegation against all these petitioners. So far as specific allegation is concerned, the same has been attributed to co-accused Chandra Kishore Mahato. It is further submitted that informant as well as his nephew were examined by the Doctor and one injury on each person have been found to be grievous in nature, however, the same has not been attributed against the petitioners. It is next submitted that prior to institution of this case, cases were pending between the parties and except that the petitioners have no criminal antecedent. It is also submitted that petitioners are ready to give undertaking that they will not indulge in tempering



with the evidence and intimidating the witnesses.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that petitioners have been actively participated in the alleged crime.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation against the petitioners, apart from that there is enmity between both the parties and moreover, these petitioners carrying fair antecedent prior to institution of the present case, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S.Case No. 650 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.



(iii) They will not try to tamper with the evidence or
intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J.)

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