

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39632 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- AWTARNAGAR District- Saran

Bharat Mahto S/O Late Suraj Mahto Resident of Village- Maujampur, P.S.-
Awtar Nagar, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Advocate.

For the Opposite Party/s : Mr.Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-10-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within

one month.

Mr. Krishna Kumar Yadav, learned counsel for the pe-
titioner and Mr. Bharat Lal, learned APP for the State, are
present and they are heard.

Petitioner seeks regular bail in connection with Awtar-
nagar P.S. case no. 328 of 2021 registered for the offences pun-
ishable under Sections 341, 323, 324, 307 and 325 of the Indian
Penal Code.

As per the allegations, the informant in his fardbeyan
has alleged that while he was returning to his house after attend-
ing a nature's call, on his way, he found that two persons were
engaged in a quarrel and when the informant tried to pacify the



matter, then the accused Bharat Mahto became furious and stabbed the informant repeatedly.

The main submissions advanced by Mr. Krishna Kumar Yadav learned counsel for the petitioner are that the petitioner bears clean antecedent and he has been languishing in jail since 17.2.2022. The injuries of the injured person namely Mithlesh Mahto have been opined to be simple in nature and between both the parties there is a land dispute and in fact between them a fight took place due to the said land dispute and petitioner and the informant of the present case sustained injuries in that occurrence and the instant case is a counter blast of Awatarnagar P.S. Case No. 327 of 2021 lodged on behalf of the petitioner's side.

Mr. Bharat Lal, learned APP has opposed the prayer for bail.

The FIR goes to show that the petitioner caused knife injury repeatedly at the stomach of the informant but as per the opinion of the doctor concerned only two injuries were found on the body of the informant and out of the said two injuries one was found as a body pain and the other injury which was found to be a knife injury has been opined to be simple in nature by the doctor concerned and the injury report of the informant does



not show that the said informant was stabbed repeatedly by this petitioner and moreover the doctor concerned did not mention the size of the knife injury and in this regard his report appears to be vague. It is also relevant to mention that as per the injury report the informant remained under treatment between 11.11.2021 and 13.11.2021 which shows that he remained under treatment only for two days at the hospital. The petitioner has no criminal antecedent and admittedly in between both the parties there was a land dispute at the time of the alleged occurrence and the petitioner has been languishing in jail since 17.2.2022 and against him the investigation has been completed. Considering all these facts in my view a lenient approach can be taken in respect of petitioner's prayer, let the 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 concerned Court in connection with Awtarnagar P.S. case no. 328 of 2021 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

siddharthkr/-

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

