

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49344 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- RAJEPUR District- East Champaran

Lakhindra Mahto S/o Vishnath Mahto R/o village- Maniarpur, P.S.- Rajepur,
District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Sunita, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 19-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Pramod Kumar Sinha, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Rajepur P.S.Case No. 40 of 2020 for the
offences punishable under Sections 341, 323, 307, 379,
504/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
account of some trifling matter, all the accused persons
surrounded the informant and others and thereafter, this
petitioner assaulted one Roshan Kumar by means of iron



rod over his head mouth and nose due to which he became unconscious and referred to Sadar Hospital, Motihari for treatment.

It is submitted by the learned counsel for the petitioner that both the parties are *Patidars* and there is admitted land dispute between them. From perusal of the FIR, multiple fracture injuries have been found and thus the injury report appears to be concocted. It is further submitted that there was a free fight between the parties and due to which persons from both the sides sustained injuries. It is next submitted that there is counter version of this case which has been registered as Rajepur P.S. Case No. 112 of 2020. It is next submitted that petitioner is in custody since 22.06.2021, though investigation has already been concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has brutally assaulted the son of the informant.

Having heard the rival contentions of the parties and taking into consideration the fact that there was land



dispute between the parties resulted into free fight between both the parties sustaining injuries and further this petitioner is in custody since 22.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Rajepur P.S. Case No. 40 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

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(Harish Kumar, J)

