

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49661 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- JHANJHARPUR District- Madhubani

BINOD KUMAR MAHTO S/o Late Uttim Lal Mahto R/o village- Nawani
(Dhepura), P.S.- Jhanjharpur (A.S. O.P.), District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Mahto S/o Late Uttim Lal Mahto R/o village- Nawani
(Dhepura), P.S.- Jhanjharpur (A.S. O.P.), District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 147, 149, 323, 324, 341, 354, 504
and 506/34 of the Indian Penal Code.

The petitioner along with others are said to have
abused and assaulted and thrown on surface, the wife of the
informant. It was further alleged that co-accused Lalan
Kumar outraged the modesty of his wife and tore her blouse
and further other co-accused, Madhav Kumar attacked the
wife of the informant with khanti on her chest and broken
her teeth and jaw causing bleeding.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to land dispute. He further submits that the petitioner and the informant is own brother. He further submits that the allegation of assault is attributed to co-accused, Lalan Kumar and Madhav Kumar. He further submits that no specific allegation of assault is attributed to the petitioner. The petitioner is rotting in judicial custody since 04.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Jhanjharpur (A.S. O.P.) P.S. Case No. 104 of 2021 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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