

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41797 of 2022

Arising Out of PS. Case No.-81 Year-2020 Thana- MANSURCHAK District- Begusarai

Amarjeet Kumar Son of Ganesh Mahto, Resident of village - Govindpur Ward
No.- 2, P.S.- Mansoorchak, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mansoorchak P.S. Case No. 81/2020 registered
for the alleged offences under Sections 341, 323, 308, 379, 385,
442, 506, 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-
accused persons, armed with iron pipe, crowbar and iron rod,
entered into the house of the informant and demanded extortion
money from the informant. On refusal of the informant, they
started assaulting the informant and his family members causing
a number of injuries to them. The petitioner and other co-
accused persons decamped with ornaments, cloths and cash



from the house of the informant.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The informant and the petitioner are agnates and due to land dispute between them, the alleged occurrence took place. Moreover, the alleged occurrence took place on 28.08.2020 whereas the F.I.R. was lodged on 01.09.2020 and there is no satisfactory explanation for the delay of three days and it also shows afterthought and deliberation. Furthermore, the present case is counter-blast of Mansoorchak P.S. Case No. 82 of 2020 filed by the side of petitioner in which the petitioner's side has also got injuries. Learned counsel further submits that the allegations are general and omnibus against the petitioner and other co-accused persons. On the injured Dharmendra Kumar, only one injury has been found on his head and other injury is on chest, though the allegation against the petitioner and other co-accused persons is that of giving a number of blows to the injured. The petitioner is in custody since 10.06.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that there is allegation against this petitioner that he hit on the head of the son of the informant with iron rod causing injuries.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the single injury on head attributed to two persons and further considering the case and counter case between the parties and the period of custody of this petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Mansoorchak P.S. Case No. 81 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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