

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53039 of 2021**

Arising Out of PS. Case No.-49 Year-2021 Thana- KAMTAUL District-
Darbhanga

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Prahlad Mahto S/O Mauje Mahto @ Mauje Lal Mahto R/O Village- Birne,
P.S.- Kamtaul, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Kanchan Kumar Singh, Advocate

For the State : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 324, 307, 120B, 34 of
the Indian Penal Code.

As per allegation in the F.I.R., it has been alleged that
on 25.02.2021 at about 06:00 pm petitioner's wife Renu Devi
called the informant on mobile to take rest remuneration for the
work done in Nal Jal Yojna. When the informant arrived at the
spot Harpur, petitioner, his wife and some unknown started firing
with intention to kill. He received bullet injuries on stomach and



fell down and rushed to Paras Global Hospital for treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that as per F.I.R. the allegation against the petitioner that he and another accused persons has fired upon the informant. As per F.I.R., due to money dispute between the informant and the petitioner, the petitioner has fired upon the informant. Further submits that the informant has filed this case to make undue pressure upon the petitioner with regard to the dispute regarding payment of money. Learned counsel for the petitioner further submits that it is true that the petitioner and the informant had jointly executed some works under the Nal Jal Yojna of the Government of Bihar. Further submits that the entire amount between the petitioner and informant has settled long back and there is no eye witness of the alleged occurrence and the police after investigation submitted chargesheet against the petitioner. The petitioner is in custody since 01.07.2021.

Learned APP for the State has opposed the prayer for the bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Kamtaul P.S. Case No. 49 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 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 witness, 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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