

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45830 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- PHULPARAS District- Madhubani

Devkrishna Mahto, Son Of Makun Mahto, R/O Village- Bathnaha, P.S.-
Phulparas, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, 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 Phulparas P.S. Case No. 57 of 2022 registered
for the alleged offences under Sections 447, 341, 323, 324, 325,
307, 354(B), 379, 427, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, petitioner and other co-
accused persons started assaulting the cousin of the informant
and when the informant and his family members tried to save
him assailants also assaulted them. The allegation against the
petitioner is that he gave a blow of *dabiya* on the head of father
of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. For the same occurrence wife of co-accused Umesh Mahto has lodged Phulparas P.S. Case No. 64 of 2022 against the informant and his family members of this case. The injury of the father of the petitioner was shown to be grievous in nature. There is specific allegation of assault against this petitioner for causing injury on the head of the father of the informant, but, his injury report shows injuries are simple and caused by hard and blunt objects and the said injury report does not corroborate with the the allegation leveled in the First Information Report. On the other hand injury suffered by the father of the informant on the head of the informant side is grievous in nature and he has been referred to D.M.C.H. for treatment. Charge sheet has been submitted in this case and the petitioner is in custody since 25.05.2022. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the injury report does not corroborate with the allegation against the petitioner and further considering the submission of charge sheet along with period of custody of the petitioner and

his clean antecedent, 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 A.C.J.M.-IInd, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No. 57 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a 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)

daya/-

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