

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58477 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- BAJPATI District- Sitamarhi

1. Ram Kripal Mahto, Son of Late Sukan Mahto, Resident of Village - Babu Narha, P.S. - Bajpatti, District - Sitamarhi.
2. Manoj Kumar Mahto @ Manoj Mahto, Son of Ram Kripal Mahto, Resident of Village - Babu Narha, P.S. - Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioners seek regular bail, who are in custody in connection with Bajpatti P.S. Case No. 127 of 2021 for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that 16 named accused persons came at the door of the informant armed with various lethal weapons and started assaulting the informant



and her family members. It is alleged that petitioner no.1 assaulted the son of the informant Rupesh Kumar over his head. So far as petitioner no.2 is concerned, there is general and omnibus allegation against him.

It is submitted on behalf of the learned counsel for the petitioners that prior to the institution of this F.I.R., petitioner no.1 has instituted Bajpatti P.S. case no. 125 of 2021 on 18.05.2021 and the present case is nothing but a counter blast to the earlier one. It is next submitted that even as per the injury report, which has been brought on record by way of Annexure-2 to this application, it appears that the injury, which has been inflicted on the head of Rupesh Kumar (injured) have been found to be simple in nature and one injury has been found to be grievous in nature. It is next submitted that the petitioners have no criminal antecedent and only on account of dispute due to grazing of cattle, the occurrence has taken place, which resulted into institution of the case and counter case. It is next submitted that investigation of the case has already been concluded and charge-sheet has also been submitted. The petitioners are in custody since 30.07.2021.

On the other hand, learned APP for the State submits that against petitioner no.1 there is specific allegation and so far



petitioner no.2 is concerned, who happens to be son of petitioner no.1.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is case and counter case and prior to the institution of the present case, petitioner no.1 filed Bajpatti P.S. case no. 125 of 2021 against the informant and other persons. Further, the injury, which has been sustained on the head of the son of the informant, has been found to be simple in nature and also considering the clean antecedent of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 127 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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