

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59206 of 2022**

Arising Out of PS. Case No.-18 Year-2020 Thana- MATIYARIA District- West Champaran

SIKANDAR MAHTO S/o Dayaram Mahto R/v- Mahui, P.S.- Matiyariya,
District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-12-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Satyendra Prasad, learned
APP for the State.

The petitioner in this case is seeking regular bail in connection with Matiyariya P.S. Case No. 18 of 2020 registered for the offence punishable under Sections 341/ 323/ 325/ 307/ 504/ 506 of the Indian Penal Code. He has no criminal antecedent and is in custody since 01.06.2022.

Learned counsel for the petitioner submits that the petitioner is alleged to have given one lathi blow on the head of the informant's husband in the background of a land dispute.

Learned counsel submits that the petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case in the background of a land



dispute and the allegation is of giving only one lathi blow. It is submitted that the injured was referred to the Government Medical College and Hospital, Bettiah for CT Scan of brain but he has stated before the police that he did not go for treatment at GMCH, Bettiah.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regards to the facts and circumstances of the case, wherein it is submitted on behalf of the petitioner that as per the first information report the petitioner had given only one lathi blow to the husband of the informant, there is an admitted land dispute and even as the injured was referred to the Government Medical College and Hospital, Bettiah for CT Scan of brain but he has stated before the police that he did not go for treatment at GMCH, Bettiah and he got cured after consuming medicine, the petitioner is in custody since 01.06.2022 and at this stage investigation against him is complete, there being no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Matiyariya P.S. Case No. 18 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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