

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6449 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- MADHAURAH District- Saran

MANTU KUMAR @ MANTU RAI S/O DAROGA RAI Resident of Village-
Asoiya, P.S.- Marhowrah, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.11.2022 in connection with Marhowrah P.S. Case
No.714/2022, F.I.R. dated 12.11.2022, for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 307,
379, 504 and 506 of the Indian Penal Code.

According to prosecution case, the petitioner along
with his wife are said to have assaulted Pankaj Kumar, the
brother of the informant by means of sword and spear on his
head and mouth with an intention to kill him.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
present case is the counter blast of Marhowrah P.S. Case No.



713/2022 filed by Ashok Rai against the present informant and other persons. He further submits that the present occurrence took place due to previous land dispute and it appears from the F.I.R. that the allegation against the petitioner is that he along with co-accused Rajmati Devi assaulted to the brother of the informant, namely, Pankaj Kumar by means of sword and *bhala* and the injury report of Pankaj Kumar suggests that the injury is grievous in nature. He further submits that due to present occurrence both sides sustained injury and some persons also injured from the side of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 16.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and the petitioner has clean antecedent and due to land dispute the present occurrence took place, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Chapra in connection with Marhowrah P.S. Case No.714/2022, subject to 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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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