

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7032 of 2023

Arising Out of PS. Case No.-7 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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BIRJU MAHATO @ BIRJU MAHTO @ NIRJU MAHATO Son of Late
Darbari Mahto R/V- Telhara Kala, P.S- Kundwachainpur, Dist- East
champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr. Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 323, 341,
307, 324, 326, 379, 504/34 of the Indian Penal Code.

As per prosecution case, the informant alleged that
when he was at his maternal uncle's village, the accused persons
including the petitioner asked him to hand over his cell-phone
for making call. When he refused, they assaulted in the stomach
of the informant by means of knife due to which he sustained
injury.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. From perusal of FIR, there is no specific overt-act of stabbing by means of knife has been attributed against this petitioner. It is further submitted that after completing investigation, the petitioner has not been sent up for trial but the cognizance has been taken. It is further submitted that the petitioner is languishing in judicial custody since 16.6.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kundwachainpur P.S. Case No. 07 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sikrahana at Dhaka, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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