

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11401 of 2023

Arising Out of PS. Case No.-423 Year-2022 Thana- GOVINDGANJ District- East
Champaran

=====

Anuj Mahto S/o Bharosi Mahto R/o Village- Rampurwa, P.S.- Govindganj,
Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Karandeep Kumar, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Govindganj P.S. Case No. 423 of 2022,
registered for the offences punishable under Sections 147, 148,
149, 323, 327, 324, 307, 447, 448, 354, 379 of the Indian Penal
Code.

It is alleged that altogether 30 named accused persons
along with 10-15 unknown persons started constructing house
on the land of the informant and when objection was raised, all
the accused persons armed with weapons started assaulting the
informant and others. It is also alleged that the petitioner
assaulted the informant by means of knife and butt of the pistol,



due to which he sustained injuries. Further allegation has been made against other co-accused persons of assault and looting of the valuables.

Submission has been made on behalf of the petitioner that that though the FIR has been instituted against 30 persons with specific and precised allegation, which appears to be not trustworthy. Inasmuch as there is a counter version of the present crime being Govindganj P.S. Case No.422 of 2022, which is earlier on point of time. Further submission has been made that on account of land dispute a free fight has taken place between the members of both the sides in which both the parties have sustained injuries, however, the prosecution has failed to explain the injuries sustained to the persons of the petitioner side. It is next submitted that the injuries, which are said to have been sustained by the informant are found to be simple in nature as is evident from the injury report. It is lastly submitted that the petitioner having fair antecedent, is in custody since 09.12.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of injury, coupled with the fair antecedent of the petitioner and period of custody, let the



petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Govindganj P.S. Case No. 423 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

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

