

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27127 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- SIKARPUR District- West Champaran

1. SUKDEV MAHTO Son of Bikau Mahto Resident of Village - Parsi, Ward No.- 8, P.S.- Shikarpur, District - West Champaran.
2. Ramkrishna Mahto Son of Bikau Mahto Resident of Village - Parsi, Ward No.- 8, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Shikarpur P.S. Case No. 109 of 2023 dated 11.02.2023 registered for the offence under Sections 147, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant by a sharp cutting weapon upon the head of the informant which hit him on his back side of the head and snatched a golden chain and also cash of Rs. 14000/- from his pocket along with a mobile.

Learned counsel appearing for the petitioners submits that the petitioner, who are of clean antecedent, are innocent and



have falsely been implicated in this case due to land dispute between the parties. He further submits that there is land dispute between the parties and on account of that scuffle took place between them and both the parties have lodged the F.I.R. against each other. He further submits that it appears from the F.I.R. that petitioner No.2 has assaulted the nephew of the informant by garasi which hit the hand of the nephew of the informant, namely, Rajnish Kumar. He further submits that the injury report suggest that the injured has got three injuries out of which two are simple in nature and one is stated to be grievous but the same was not inflicted on the vital part of the person of the injured. Neither any repetition of garasi blow is attributed to the petitioner No.2 and no specific allegation of assault of any overt act is attributed to the petitioner No.1 rather there appears to be general and omnibus allegation of making abuse leveled against him. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 13.02.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Bettiah in connection with Shikarpur P.S. Case No. 109 of 2023 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed thier criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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