

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26803 of 2023**

Arising Out of PS. Case No.-101 Year-2022 Thana- SISWAN District- Siwan

=====

DHANU MAHTO Son of Ramnath Mahto R/V- Kishunwari PS- Siswan Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
17.02.2023 in connection with Siswan P.S. Case No.101/2022,
dated 08.05.2022, for the offences punishable under Sections
341, 323, 324, 307, 504, 506 & 34 of the IPC.

3. According to prosecution case, co-accused persons,
namely, Ramnath Mahto and Sabita Devi caught the son of the
informant and the petitioner gave a knife blow on the abdomen
of the son of the informant, due to which he was badly injured.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner and the informant are close
agnates and there is admitted land dispute between the parties.



He further submits that there is case and counter case between the parties. He further submits that as per allegation in the F.I.R., the petitioner has assaulted with knife to the son of the informant. He further submits that although the injury report of the injured suggests that the injury is grievous in nature but due to land dispute, the present occurrence has taken place and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried five criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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 J.M., Siwan in connection with Siwan P.S. Case No.101/2022, 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)

amit/-

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

