

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32006 of 2022

Arising Out of PS. Case No.-619 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

BAGHA MAHTO @ BAGHO MAHTO S/o Late Ramanand Mahto Resident
of Village- Gheghtha Ganj, P.s.- Chapra Muffasil, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 25-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Chapra Muffasil P.S. Case No. 619 of 2021, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is that on 11.10.2021 when the informant came back from boating, he saw that the petitioner and his his associates were assaulting his younger brother, namely, Vijay Mahto by fists and slaps. Further, when the informant protested, the accused persons assaulted him by knife on his stomach due



to which the blood started oozing.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is case and counter case. He also submits that the other co-accused person, namely, Ram Avatar Mahto has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 34632 of 2022.

He further submits that the petitioner has been languishing in jail since 18.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M-IX, Chapra, District-Saran in connection with Chapra Muffasil P.S. Case No. 619 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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