

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34463 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- JANDAHA District- Vaishali

DEEPAK KUMAR son of Sudhir Mahto @ Sudhri Mahto Village-
Mathurapur Ps- Jandaha Dist- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody since 10.3.2023 in connection with Jandaha P.S. Case No. 310 of 2022 for the offence punishable under Sections 323, 504, 506, 307, 447, 379, 34 of the I.P.C. lodged on 15.10.2022 by the informant Mamta Devi.

That, the prosecution story in brief is that on 06.10.2022 at 9.00 A.M. the informant was standing at her door and Bipul Mahto was irrigating and as the water pipe was disconnected, the water came to her door and affected her wood, she protested whereafter she was abused and further on the exhortion of accused Rani Devi who provided sword to her husband Deepak Kumar (petitioner) who assaulted her causing injuries on the cheeks and neck. Further, accused Rani Devi



assaulted with brick and fist and the accused Deepak tried to outrage her modesty and in the meantime, when her son namely Kundan Kumar came, then the accused Deepak Kumar cut his hand with sword and the accused Sheela Devi snatched the golden chain of the informant and both accused persons took away Rs. 40,000/-.

Learned counsel for the petitioner submits that they are related to each other, the petitioner being the nephew of the informant and further due to petty scuffle between the parties, the same was exaggerated alleging assault by sword and a bare perusal of the FIR would show that the entire family members have been roped in.

It is further submission that the injury report issued by the Sadar Hospital, Hajipur does not explain whether injuries have been found to be simple or grievous. The last submission is that due to minor scuffle since his aunt has received certain injury, he on his own would like to contribute medical assistance of Rs. 15000/- irrespective of outcome of the present case and/or accepting the allegation.

Learned APP opposes the prayer stating that allegation of assault is against this petitioner.

Considering the submission put forward by the



learned counsel for the petitioner as also the medical report which does not show the same to be grievous, is in custody since 10.3.2023 (as stated in para-12 of the bail application) and has clean antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 15000/- as undertake by the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 310 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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