

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49725 of 2023**

Arising Out of PS. Case No.-253 Year-2023 Thana- RAXAUL District- East Champaran

SHAMBHU MAHTO SON OF KAPILDEO MAHTO RESIDENT OF  
VILLAGE- TUMARIYA TOLA WARD NO 2, PS- HARSHIDHI, DIST-  
EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                 |
|----------------------|---|-------------------------------------------------|
| For the Petitioner/s | : | Mr. Rajeev Ranjan<br>Mr. Vikas Kumar, Advocates |
| For the Informant    | : | Mr. Abhishek Kumar, Advocate                    |
| For the State        | : | Mr. Narsingh Tanti, APP                         |

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

3      22-09-2023                      Heard learned counsel for the petitioner, learned  
counsel appearing on behalf of the Informant and learned APP  
for the State.

2. Petitioner seeks bail, who is in custody since  
29.05.2023, in connection with Raxaul (Haraiya O.P.) P.S. Case No.  
253 of 2023, F.I.R. dated 28.05.2023 registered for the offences  
punishable under Sections 341, 323, 307, 504 of the Indian Penal  
Code.

3. Allegation against the petitioner is that he has  
assaulted Abhishek Kumar who happens to be the son of the  
informant by means of iron rod due to which he sustained  
injured.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place and as per allegation in the F.I.R. the petitioner has assaulted to one Abhishek Kumar who happens to be the son of the informant by means of iron rod due to which he sustained injured. He further submits that although the injury report suggests that the injuries are grievous in nature but the injury report is of the private hospital and there was no intention to kill the son of the informant and there was no repetition of assault to the son of the informant. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.05.2023.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has assaulted the son of the informant and the injury report suggests that the injuries are grievous in nature.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond 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 Raxaul (Haraiya O.P.) P.S. Case No. 253 of 2023, 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 witness, 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 antecedents, 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)**

Ibrar//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

