

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53028 of 2022

Arising Out of PS. Case No.-131 Year-2019 Thana- BHAGWANPUR District- Begusarai

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PRAVEEN KUMAR @ PRAVEEN MAHTO @ PARVEEN KUMAR @
PARVEEN MAHTO @ PRAVEEN @ PARVIND MAHTO SON OF BASO
MAHTO @ BASUDEV MAHTO R/O VILLAGE- TANDI, JOKIA, P.S.-
BHAGWANPUR, DIST.- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 04-04-2023 Petitioner's counsel is permitted to make necessary

correction in the paragraph No.2 with regard to the P.S. Case

No. and date.

Let the defect(s), if any, pointed out by the office be

removed within four weeks from the date of this order, failing

which the matter be listed again under the appropriate heading

for necessary action.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Bhagwanpur P.S. Case No.131 of 2019 registered for the

offences punishable under Sections 147, 148, 149, 341, 323,

307, 379 and 506 of the Indian Penal Code.



As per the prosecution, the informant alleged that this petitioner along with other accused persons barged into the informant's house armed with weapons and started assaulting the informant's family members. Further it is alleged that this petitioner knocked out three months old child on a cot and meanwhile the other accused persons assaulted the informant with lathi, danda, iron rod, rifle and also threatened and snatched Rs.50,000/-.

The main submissions advanced by the learned counsel for the petitioner are that as per the allegation this petitioner threw the informant's three months old niece on a cot but the said child did not sustain any type of injury and there is also no discussion in the order impugned regarding the injury to the said child and the informant sustained simple injuries and admittedly there was not good relation when the alleged occurrence took place and petitioner is not accused in Bhagwanpur P.S. Case No.85 of 2016. Further submission is that the petitioner has been languishing in jail since 07.06.2022 and against him there are criminal antecedents of three cases out of which he is on bail in one case.

Learned APP appearing for the State has opposed the bail prayer.



Having considered the petitioner's plea as to the informant's niece having not sustained any injury in the alleged occurrence and taking into account the fact that informant sustained simple injuries as per above submission and also considering the petitioner's custody period and admittedly there was not good relation in between both the parties when the alleged occurrence took place, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released **on bail after framing of charge** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bhagwanpur P.S. Case No.131 of 2019.

(Shailendra Singh, J)

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