

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38705 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BAKHARI District- Begusarai

1. Dharmendra Mahato @ Dharba Son Of Late Ram Kishun Mahato Resident Of Village- Parihara, P.S.- Bakhri, District- Begusaria
2. Jitendra Mahato Son Of Late Ram Kishun Mahato Resident Of Village- Parihara, P.S.- Bakhri, District- Begusaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54074 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BAKHARI District- Begusarai

1. Heeralal Mahto @ Heerwa S/o Late Shiv Narayan Mahto R/o village- Parihara, P.S.- Bakhari, District- Begusarai
2. Amarjeet Mahto @ Bhatta @ Bhato Mahto S/o Late Shiv Narayan Mahto R/o village- Parihara, P.S.- Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38705 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 54074 of 2022)

For the Petitioner/s : Mrs. Jyotsna Rani Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioners seek bail in a case registered for the



offences punishable under Sections 147, 149, 341, 323, 307, 325, 504, 506 of the Indian Penal Code.

According to prosecution case, in brief, is that on 26.06.2021 the F.I.R. named accused persons including the petitioners and 10-20 unknown persons with common intention armed with lathi, danda and iron rod with intent to kill Heeralal Mahto and Amarjeet Mahto assaulted with rod upon the informant's head and he sustained head injury, Arun Mahto and Jitendra Mahto assaulted the informant with danda and as a result his both hand received fracture injury. Apart from his Dharmendra Mahto gave danda blow upon the informant's head and he sustained neck injury. Thereafter the informant sooted for rescue and his brother Kishore Kumar Mahto came for his rescue then aforesaid accused assaulted him with danda and rod. Dharmendra Mahto assaulted with danda and he received head injury, Manti Devi, Meena Devi and at her assaulted him with danda causing the reby his hand and body was fractured. Apart from this Sujeet Kumar, Ajeet Kumar and Sanjeet Kumar all sons of informant came for rescue and all persons also assaulted them. Chandrakala Devi assaulted Sujeet Kumar with danda and he sustained head injury Jeebaoh Mahto assaulted Ajeet Kumar with danda and he sustained head injury, Meena Devi and Kari



Mahto assaulted him danda and he received fractured injury of hand and body and fell on the ground and he became unconscious, Meena Devi snatched golden chain from the neck of Sanjeet and took out of Rs.1500/- from his pocket. It is further alleged that Sukho Mehto, Heera Mahto, Amarjeet Mahto, Arun Mahto gave uncounted blow upon the head of Sanjeet Mahto causing thereby he sustained fracture injury. Villagers and police rushed there then accused persons fled away.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties. He further submits that as per allegation as alleged in the F.I.R. is that the petitioner namely, Heera Lal Mahto and Amarjeet Mahto have assaulted the informant Rambali Mahto with the iron rod on his head but the injury report of the informant does not support the allegation as alleged in the F.I.R. and with respect to the petitioners namely, Dharmendra Mahto and Jitendra Mahto as per allegation as alleged in the F.I.R. that they assaulted the Rambali Mahto and Kishore Kumar Mahto and the injury report of the Rambali Mahto and Kishore Kumar Mahto suggest that injury



is grievous in nature. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners namely, Dharmendra Mahto @ Dharba and Jitendra Mahto are in custody since 23.05.2022 and petitioners namely, Heeralal Mahto @ Heerwa and Amarjeet Mahto @ Bhatta @ Bhato Mahto are in custody since 29.04.2022.

The learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners on the on the basis of material available on the record and case diary.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bakhari P.S. Case No. 179 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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