

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60060 of 2023

Arising Out of PS. Case No.-37 Year-2020 Thana- KALYANPUR District- East Champaran

SURESH MAHTO S/O PANCHU MAHTO @ PACHU MAHTO R/O
VILLAGE- BASUDEO CHAPRA, PS. KALYANPUR, DIST. EAST
CHAMPARAN Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Kalyanpur P.S. Case No. 37 of 2020 for the offence punishable under Sections 341, 323, 325, 354(B), 379, 504, 34 of the Indian Penal Code and section 3/4 of the Diaan Act lodged on 22.2.2020 by the informant, Suman Devi.

3. As per the prosecution story, the allegation is the accused persons tied her mouth with a towel, abused her and dragged her to a place and further against this petitioner, the allegation is that he called her witch and tried to pour extrata.

4. Learned counsel for the petitioner submits that only because of land dispute, the allegation has been exaggerated and further they are next door neighbour and as such irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to



be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer stating that in the 21st century still the ladies are being denigrated by calling them as witch.

6. It is deplorable that still women are subjected to cruelty in the village, however, in this case, since the petitioner has shown his repentance by stating that he will be paying Rs. 10,000/- to the ladies by way of Demand Draft, is in custody since 1.6.2023 (para-9 of the petition), will be facing the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

6. 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 Chief Judicial Magistrate, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 37 of 2020 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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