

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62827 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- MADHUBAN District- East Champaran

Birendra Mahto @ Birendra Kumar @ Birendar Kumar @ Birendar Mahto
Son of Late Kishun Mahato R/V- Madhuban Dih, P.S- Madhuban, Dist- East
champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Madhuban P.S. Case No.116 of 2022, registered for the
offences punishable under Sections 341, 342, 323, 324,
307, and 34 of the Indian Penal Code and Section 25(1-b)
a, 35 of the Arms Act.

The prosecution case as emerges from the FIR is
that on 23.03.2022, at about 04:20 pm, the son of the
informant along with Binod Mahto were coming from Sirauli
and in the meantime, near Wajitpur *Mai Sthan*, 8-9 persons
surrounded and assaulted them by means of knife. Due to



which the informant's son sustained injury near his eye. It is also alleged that one country-made pistol was recovered.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that only allegation against the petitioner is that he was in possession of illegal arm. However, there is no allegation of making any assault with the same.

He further submits that the petitioner has been languishing in jail since 24.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Madhuban P.S. Case No.116 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds



of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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