

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65983 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- CHHATAUNI District- East Champaran

UPENDRA MAHTO Son of Ram Chandra Mahto R/V- Chhatauni Bazar, P.S-
Chhatauni, Dist- East champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
13.06.2022 in connection with Chhatauni P.S. Case No. 315 of
2022, arising out of G.R.Case No.3361 of 2022, F.I.R. dated
12.06.2022 registered for the offence punishable under Sections
341,323,324,307,504,379/34 of IPC.

Allegation against the petitioner is that he assaulted
with knife at the abdomen of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that as per
allegation in the FIR the petitioner has assaulted with knife at
the abdomen of the informant. Further submits that the



allegation as alleged in the FIR is not supported by medical evidence dated 27.06.2022 and the allegation as alleged in the FIR is false and fabricated. Further submits that the injury report of the informant did not disclose the cause of injury and the injury report of Rameshwar Patel suggests that the injury is simple in nature caused by hard and blunt substance and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Chhatauni P.S. Case No. 315 of 2022, arising out of G.R.Case No.3361 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, 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)

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