

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61650 of 2022

Arising Out of PS. Case No.-163 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

Raja Ram Mahto, Male, aged about 45 years, Son of Nagina Prasad Resident
of village - Chakarbardi, P.S.- Bhagwanpur Hat, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

The petitioner seeks bail in connection with Bhagwanpur hat
P.S. Case No. 163/2022 registered for the offence punishable under
Section 341, 323, 324, 307, 302, 34 of the Indian Penal Code (for
brevity 'IPC').

The 'agnates' of the informant, as per allegation, have arrived
at his house, variously armed with *lathi*, *danda*, and sharp weapons
and have assaulted the various family members of the informant.
There is allegation that Atish Kumar has been inflicted four-five (04-
05) blows by knife, all at the exhortation of the instant petitioner.

Learned counsel for the petitioner submits that First
Information Report (for brevity 'F.I.R.') clearly indicates that parties
are 'agnates' and that there is subsisting dispute. The petitioner, even
as per allegation, is not author of any injury on any person. In fact,
there was free fight and petitioner has also sustained injuries, which
is apparent from the injury report, copy of which has been annexed as
Annexure-3 to the bail application. The petitioner's side has also
lodged a case in respect of the free fight and the same has been



registered as Bhagwanpur Hat P.S. Case No. 168 of 2022. The same has been registered on the same date. The allegations are also apparently false and fabricated as Atish Kumar is alleged to have sustained four-five (04-05) knife blows, whereas the post mortem report, which has been taken note of by the District Sessions Judge, Siwan, while rejecting the petitioner's prayer for bail, has quoted from the same and it is obvious that only one (1) stab wound was present on the mid of chest. The petitioner has been implicated only because he has been a family member. He has no criminal antecedents. The specific allegation of assault is alleged against the other person by name. It is submitted that the investigation is complete. Petitioner is stated to be in custody since 19.06.2022.

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

Considering the rival submissions, nature of allegation against the petitioner regarding exhorting the other co-accused persons, his own injury, other submissions including his clean antecedent and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned C.J.M./ A.C.J.M., Siwan, in connection with Bhagwanpur Hat P.S. Case No. 163 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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