

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70847 of 2023

Arising Out of PS. Case No.-92 Year-2021 Thana- SIMULTALLA District- Jamui

GAUTAM MAHTO @ KUSHWAHA @ GAUTAM KR. KUSHWAHA S/O
BABULAL MAHTO @ BABULALA KUSHWAHA R/V- GADI TELWA,
P.S- SIMULTALA, DISTT.- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Adv

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Simultala P.S. Case No. 92 of 2021 registered on 02.12.2021
lodged under Sections 147, 148, 149, 341, 323, 324, 325, 326,
302, 307, 447, 504 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against 19 named accused persons including the petitioner. It is
alleged that all the accused persons have gathered on the land of
the petitioner and started abusing stating that this land belongs
to them and stopped the informant and others not to harvest the
grains and thereafter they started assaulting.

4. Counsel for the petitioner submits that the specific



allegation is against Ramdev, Uttam, Gautam, Kishore and Nandlal for giving axe blow on the chest of the informant from the back side of the axe.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that from the content of the F.I.R., it is very much clear that the cause of the dispute is agricultural land. He submits that there are general and omnibus allegation is against five accused persons out of total 19 persons that they gave axe blow on the chest of the informant. Counsel further submits that two accused persons namely Ramdev and Kishore having exactly similar allegation as that of present petitioner have been granted bail by Co-ordinate Bench of this Court vide order dated 17.04.2023 and 02.08.2023 passed in Cr.Misc. No. 44072 of 2022 and 36406 of 2023.

6. Counsel submits that that petitioner is in custody since 12.05.2023 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail.

8. Counsel for the informant vehemently opposes the prayer for bail and submits that there is a specific allegation against the petitioner as well as against other accused persons



that they have assaulted by the back side of the axe on the chest of the informant.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,-II, Jamui in connection with Simultala P.S. Case No. 92 of 2021 registered on 02.12.2021 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(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 the bail bonds.

10. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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