

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65446 of 2022

Arising Out of PS. Case No.-510 Year-2021 Thana- SIWAN CITY District- Siwan

Satyendra Mahto @ Satyendra Mahato Son Of Raghav Prasad @ Raghav Mahto @ Raghav Prasad Chauhan Resident Of Village - Lakshmipur Siswan Dhala, P.S.- Siwan Tola, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-03-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution case, when the informant came back to his house from work, he saw the petitioner and accused persons armed and they surrounded the nephew and elder brother. It is further alleged that the co-accused persons assaulted his brother by knife and sword causing injury below



his shoulder and when his nephew went to rescue, he was also assaulted by sword. Further, when the informant went to rescue, he was also assaulted by Satyendra Mahto in the stomach by knife causing injury. The reason behind the occurrence is that the informant and his family members had objected the petitioner and co-accused person from selling liquor.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Charge-sheet has been submitted against the petitioner and co-accused. The other co-accused persons have already been granted anticipatory bail by the Co-ordinate Bench vide order dated 26.09.2022 passed in Cr. Misc. No. 17978 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.08.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of inflicting knife blow in the stomach of the informant and the injury appears to be grievous in nature.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Siwan City P.S. Case No. 510 of 2021, with following conditions:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond .

2. If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

This application stands allowed.

(Chandra Prakash Singh, J)

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