

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70888 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- MANJHAGARH District- Gopalganj

1. Chandarma Mahto Son of Late Dhanesh Mahto R/O Village- Bathua, P.S.-
Manjhagrah, District- Gopalganj
2. Jitendra Mahto Son Of Chandrama Mahto R/O Village- Bathua, P.S.-
Manjhagrah, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioners seek regular bail in connection with
Manjhagrah P.S. Case No. 360 of 2022 lodged under Sections
341, 323, 324, 325, 307, 354, 504, 506 & 34 of the I.P.C. and
subsequently, Section 302 of I.P.C. has been added.

3. As per the prosecution case, total 6 persons were
made accused in this case including the present petitioners. The
specific allegation of assault is against Surendra Mahto and
Jitendra Mahto (petitioner no.2).

4. Learned counsel for the petitioners submits that the
allegation in the F.I.R. in two parts. There are general and
omnibus allegation against all 6 named persons that due to land
dispute, the said occurrence took place. Counsel further submits
that the occurrence has been caused on 13.11.2022 where F.I.R.



has been lodged on 17.11.2022. There is no explanation of delay in filing of the F.I.R. of about 4 days.

5. Counsel further submits that for the said date and place of occurrence, there is case and counter-case and the dispute is due to land. Counsel submits that petitioners are in custody since 11.04.2023 having clean antecedent.

6. Counsel also submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 19.07.2023 passed in Cr. Misc. No. 37576/2023. He further submits that one Geeta Devi who died in this case was not assaulted by the petitioner no.2.

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

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Manjhagrah P.S. Case No. 360 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

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

(iv) the petitioners 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 petitioners 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.

(Dr. Anshuman, J.)

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