

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.547 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- SUGAULI District- East Champaran

Manju Mahato, Son of Langar Mamato R/v- Dandi Tola, P.S.- Sugauli,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-03-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Binod Kumar, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Application for grant of bail to the petitioner, who is in custody in connection with Sugauli P.S. Case No. 336 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 354, 354B, 379, 504, 506/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that while the informant went to a bamboo filed to attend the call of nature in the meantime this petitioner came there and started misbehaving and when the informant raised *hulla* all the accused persons variously armed came and assaulted the informant and others. It is further



alleged that the petitioner assaulted the brother-in-law of the informant by means of *farsa* due to which he sustained serious injury on his head.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it would be evident that the occurrence took place on 15.07.2022, however, the present FIR has been instituted on 17.07.2022. He further submits that there is a counter version of the present occurrence being Complaint Case No. 1878/2022 filed by the brother of the petitioner. He next submits that in fact on account of some trivial dispute a free-fight has taken place between both the parties resulting into injuries to the persons of both the sides, however, the prosecution has failed to explain the injuries sustained to the persons of the petitioner's side. He next submits that so far the injury sustained to the brother-in-law of the informant is concerned, the same has been found to be simple in nature. In support of the aforesaid submission, the injury report has been brought on record which is annexed as Annexure-3 to the application. He lastly submits that the petitioner having fair antecedent is in custody since 03.08.2022.

On the other hand, learned APP for the State opposed the bail application and submits that the specific allegation of



assault has been alleged against the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the nature of injury and delay in institution of the FIR, coupled with the period of custody and fair antecedent of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Sugauli P.S. Case No. 336 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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