

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14503 of 2024

Arising Out of PS. Case No.-166 Year-2022 Thana- MEDNI CHAUKI District- Lakhisarai

Pankaj Mahto, Son of Charitra Mahto, Resident of Village- Devghara
Chandratola, P.S.- Maidni Chowki, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking regular bail in connection with Medni Chowki P.S. Case No.166 of 2022 registered for the offences punishable under Sections 341, 323, 324, 354B, 379, 307 and 448/34 of the Indian Penal Code. He has no criminal antecedent. He is in custody since 04.09.2023.

3. As per prosecution story, Pankaj Mahto (the petitioner) had assaulted Kapildev Mahto who is the devar of the informant with an iron rod on his head. It is further alleged that when the informant came to rescue then all the accused persons assaulted the informant and also snatched golden chain from her neck.

4. Learned counsel for the petitioner submits that

earlier the prayer for anticipatory bail of the petitioner was rejected vide order dated 23.08.2023 passed in Cr.Misc.No.50531 of 2023 after noticing that this petitioner has allegedly assaulted Kapildev Mahto on his head by an iron rod and in the medical examination two grievous injuries have been found.

5. It is submitted that, at this stage, the petitioner has already stayed in jail for over one year two months and the nature of dispute as disclosed in the FIR would show that it was on account of a land on which the accused persons were allegedly placing their animals.

6. Learned APP for the State has opposed the prayer for bail of the petitioner.

7. Having regard to the facts and circumstances of the case and the submissions of the petitioner that, at this stage, the petitioner has already stayed in jail for over one year two months and the nature of dispute as disclosed in the FIR would show that it was on account of a land on which the accused persons were allegedly placing their animals, in the nature of the petty kind of dispute and the occurrence which had occurred in the spur of the moment and considering that the petitioner has already remained in jail for over one year two months and he

has no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Lakhisarai in connection with Medni Chowki P.S. Case No.166 of 2022, subject to the conditions as laid down under Section 437(3) Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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