

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16203 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- HASPURA District- Aurangabad

1. Chandradev Mahto, aged about 60 years S/O- Late Badar Mahto R/O- Village- Ahiyapur, P.S.- Haspura, Dist.- Aurangabad.
2. Ritesh Mahto aged about 30 years (Male) S/O- Chandradev Mahto R/O- Village- Ahiyapur, P.S.- Haspura, Dist.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail registered for the offence under Sections 341, 323, 337, 338, 307, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, it is a case of assault upon the informant.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that there is case and counter case between the parties. He next submits that the petitioners are father and son and both parties have received injury in free fighting therefore it is not a case of per-planing and no case is made out under section 307 of the IPC as stated in para-9 of the petition. Petitioners have got clean antecedent as stated in para-3 of the petition and



they are in custody since 17.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be directed to be released on bail *after framing of the charge* in connection with Haspura P.S. Case No.319 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Daudnagar, Aurangabad.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioners shall be released on bail on furnishing bail bond with further condition that the petitioners have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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