

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79778 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- KUDHNI District- Muzaffarpur

Shashi Bhushan Mahato S/o- Late Shiv Govind Mahato Resident of Salempur
Hussain Jhitki, Police Station - Kudhni, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-01-2025 Heard Mr.Thakur Brajesh Singh, learned counsel for
the petitioner, Mr.Manoj Kumar, learned counsel for the
informant and Ms.Renu Kumari, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
15.05.2024 in connection with Kudhani P.S. Case No. 79 of
2024, S.Tr.No.531 of 2024, F.I.R. dated 22.02.2024 registered
for the offence punishable under Sections 341, 323, 324, 307,
354(B), 504, 506/34 of IPC.

3. According to prosecution case, the petitioner along
with one other accused person, armed with deadly weapon, have
assaulted the informant and daughters due to which they have
received injuries.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case due to admitted land dispute between the parties and there is case and counter case and the petitioner is own brother-in-law of the informant and as per allegation in the FIR, due to some dispute, the present occurrence had taken place. Although the specific allegation against the petitioner is that he assaulted to the informant and although the informant has received the injury but some of the injury suggests that the injury is grievous in nature and some of the injury suggests that the injury is simple in nature and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 15.05.2024.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation of assault attributed against the petitioner and apart from that, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned 5th Additional Sessions Judge, Muzaffarpur in connection with Kudhani P.S. Case No. 79 of 2024, S.Tr.No.531 of 2024,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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.

(Rajesh Kumar Verma, J)

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