

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23305 of 2019

Arising Out of PS. Case No.-61 Year-2018 Thana- MAJORGANJ District- Sitamarhi

1. Vikesh Mahto @ Vikash Mahto @ Vikesh Kumar (M) aged about 19 years,
Son of Viswanath Mahto
2. Saraswati Devi (F) aged about 40 years, Wife of Viswanath Mahto
Resident of Village-Mohni Mandal, Ward No. 06, P.S-Mejorganj, District-
Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ashhar Mustafa, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 504, 307 and 34 of the Indian Penal Code registered in connection with Mejorganj P.S. Case No. 61 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of dispute relating to the partition and there is case and counter case between the parties who are all relatives. There is no injury report on record to corroborate the accusation of assault by the petitioners, much less by petitioner no. 2 with Khanti on the head of the informant. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mejorganj P.S. Case No. 61 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be a close relative of the petitioner.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 shall remain physically present in court on each and every date during trial; and petitioner no. 2 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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