

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26333 of 2019

Arising Out of PS. Case No.-241 Year-2018 Thana- BARGAINIA District- Sitamarhi

Baiju Kumar @ Baiju Mahto, Male, aged about 20 years, Son of Rup Narayan Mahto Resident of Village - Nandwara, Ward No.8, P.S.- Bairagania, District Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Arun Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code registered in connection with Bairagania P.S. Case No. 241 of 2018.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of admitted land dispute between the parties and in any event, no overt act of assault has been assigned against the petitioner rather he is said to be only the order giver. The thrust of accusation of assault is against co-accused Ram Balak Kumar Mahto. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairagania P.S. Case No. 241 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 shall be a close relative of the petitioner.

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

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

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

BT/-

(Vikash Jain, J)

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