

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35070 of 2021

Arising Out of PS. Case No.-706 Year-2020 Thana- MAJHAULIA District- West Champaran

1. MITRANJAN TIWARI S/O SRI NARESH TIWARI R/O VILLAGE-BIRWA, P.S.-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
2. HARI MAHTO S/O BIRCHHA MAHTO R/O VILLAGE-BIRWA, P.S.-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
3. GULSHAN KUMAR @ GULSHAM KUMAR S/O HARI MAHTO @ HIRA MAHTO R/O VILLAGE-BIRWA, P.S.-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
4. PAPPU SHRIVASTAVA @ PAPPU KUMAR SHRIVASTAVA S/O PRADEEP SHRIVASTAVA R/O VILLAGE-BIRWA, P.S.-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.
5. CHHOTAN SHRIVASTAVA @ CHHOTAN MAHTO S/O JOGENDRA SRIVASTAVA @ MAHABIR MAHTO R/O VILLAGE-BIRWA, P.S.-MAJHAULIYA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7. Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioners and the learned counsel for the informant as well as learned A.P.P. for the State.

At the outset, learned counsel for the petitioners submits that petitioner Nos.1, 3, 4 and 5 have been taken in to custody, therefore, this application has become now infructuous with respect to petitioner No.1, 3, 4 and 5 only.

Accordingly, this application stands dismissed as



having been infructuous with respect to petitioner No.1, 3, 4 and 5 only.

The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 342, 323, 379, 307, 504 and 34 of the Indian Penal Code.

The informant is said to have been assaulted by the lathi and danda by the petitioner and others resultantly he sustained injury.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. He further submits that altogether 100 persons have been made accused in this case out of them 10 have been named including the petitioner and other 90 are said to be unknown. He further submits that there general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further submits that the injury report reveals that the informant sustained three injuries but the doctor has opined that all the injuryies are simple in nature. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer



for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Majhauriya P.S. Case No. 706 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(1) Petitioner shall co-operate in the investigation 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 absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) 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.

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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