

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25083 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- KAUWAKOL District- Nawada

1. Ajay Prasad S/o Indradeo Mahto Resident of Village - Darawan, P.S. - Kawakole, District - Nawada.
2. Vijay Prasad @ Vijay Kumar S/o Indradeo Mahto Resident of Village - Darawan, P.S. - Kawakole, District - Nawada.
3. Raju Kumar S/o Indradeo Mahto Resident of Village - Darawan, P.S. - Kawakole, District - Nawada.
4. Indradeo Mahto S/o Shivnath Mahto Resident of Village - Darawan, P.S. - Kawakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 341, 323,
324, 354(a)(b), 379, 447, 448, 504, 506, 34 of the Indian Penal
Code.

According to prosecution case, in brief, is that one
Tulsi Mahto gave a written report before the concerned police



officer and alleging therein that on 01.01.2021 informant arrogate in his land and wife of the informant namely Sonmanti Devi and daughter namely Kavita Kumari is present in her house. In the meantime, Ajay Prasad came to the house of informant in drunken condition and started to abuse when the Sonmati Devi made objection, then Vijay Prasad, Raju Kumar, Indradeo Mahto entered into the house and started to assault and Sonmanti Devi and Kavita Kumari receive the serious injury. On information the informant came there and saw his wife and daughter lying in semi necked condition. Ajay Prasad assault with intention to kill and drag the Sonmanti Devi.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is counter blast of Kawakole P.S. Case No. 07 of 2021 filed by the wife of the petitioner no.1 against the informant and their family members. He further submits that the alleging as alleged in the F.I.R. is false and fabricated and the allegation does not support the medical evidence.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let



the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kawakole P.S. Case No. 20 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent,



the court below shall take step for cancellation of bail bond of the petitioners. 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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