

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28619 of 2022

Arising Out of PS. Case No.-279 Year-2020 Thana- MAHESI District- East Champaran

RAJKALI DEVI Wife of Late Munna Mahato Resident of Village - Mahmada
Chowbey Tola, P.S.- Mehshi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner 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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 149, 341, 323, 325,
307, 354, 448, 379 of the Indian Penal Code.

According to prosecution case, in brief, that on
09.02.2020 in the morning all accused persons named in the
F.I.R. and about three hundred unknown persons attacked on the
house of the informant. They broken latrine tank and looted the
property amounting of Rs. 5 lacs from the house of the
informant and also assaulted the informant.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation but no material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Prem Chandra Tiwari, Ram Chandra Tiwari, Ajagibi Tiwari @ Ajagaibi Nath Tiwari, Chunchun Tiwari, Jhunjhun Tiwari, Vivek Tiwari have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.03.2022 passed in Cr. Misc. No. 19399 of 2021 and another co-accused namely Shree Bhagwan Mahto has been granted regular bail by this Court vide order dated 08.04.2022 passed in Cr. Misc. No. 64528 of 2021. The petitioner is in custody since 04.03.2022.

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

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Mehasi P.S.



Case No. 279 of 2020, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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