

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38659 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. RAMNANDAN MAHTO S/O- Late Singheshwar Mahto R/O Vill.-
Khanjhapur Ward No. -7, P.S. - Cheriabariyarpur, Dist. - Begusarai.
 2. RAJESH MAHTO @ RAJESH KUMAR S/O - Ramnandan Mahto R/O
Vill.- Khanjhapur Ward No. -7, P.S. - Cheriabariyarpur, Dist. - Begusarai.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate
For the State	:	Mr.APP
For the Informant	:	Mr. Ansul, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-01-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioners seek bail in connection with
Cheriyabariyarpur P.S. Case No. 264 of 2020 (GR No.
379/2020) registered for the offences punishable under Sections
341, 323, 302/34 of the I.P.C.

The prosecution case, in short, is that on 20.12.2020 at
4:30 pm, the accused persons including the petitioners came



and pushed the informant's father who fell down. It is further alleged that co-accused Rinku Devi, Khusbu Devi and Daulat Devi caught the leg of the informant's father whereas petitioner no. 2 along with other accused persons with common intention assaulted the informant's father with bricks upon his chest and head. It is further alleged that at the time of occurrence petitioner no. 1 and accused Daulat Devi caught the hand of his father. In the aforesaid incident, informant's father having sustained injury died.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence and they have falsely been implicated in the present case. It is further submitted that as per FIR, altogether ten persons assaulted the deceased but the postmortem report does not corroborate the allegation. It is further submitted that informant and petitioners are own agnates and the parties are contesting civil suit since the year 1998. It is further submitted that petitioners have been implicated in this case due to previous enmity. Petitioner no. 1 is in custody since 21.12.2020 and petitioner no. 2 is in custody since 12.03.2021.

Learned counsel for the informant and learned Additional Public Prosecutor vehemently opposed the prayer of



bail submitting that petitioners carry one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on 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 Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheriabariyarpur P.S. Case No. 264 of 2020 (GR No. 379/2020), subject to 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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