

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41505 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- SHEKHPURA District- Sheikhpura

1. Rajesh Kumar @ Rajesh Mahto S/O Saryug Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
2. Ranjan Kumar S/O Late Tarkeshwar Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
3. Saryug Mahto S/O Late Budhan Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
4. Vikash Mahto @ Vikash Kumar S/O Saryug Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
5. Rajeev Kumar S/O Hira Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
6. Mungo Kumar @ Munga Mahto @ Munga Kumar S/O Gobind Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
7. Hira Mahto S/O Gobind Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
8. Uttam Kumar S/O Gobind Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.
9. Rinku Devi W/O Mungo Mahto @ Bhugo Mahto Resident of Mohalla- Jamalpur Bigha, Ward No.1 P.S.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-12-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.



The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 384, 379, 427, 506 and 504 of the Indian Penal Code.

According to the prosecution case, all the accused persons assaulted the sons of the informant and also demanded money from them. They also destroyed pillars erected and carried all the materials kept at the spot.

Learned counsel for the petitioners submits that except petitioner No. 9, all other petitioners carries criminal antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are falsely implicated in the present case due to admitted land disputes and there is number of cases pending between them. He further submits that both the parties are agnate. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and there is no specific allegation of assault or overt act against the petitioners. He further submits that the injury report of the injured persons, namely Ajay Kumar and Ranjay Raj are simple in nature and the cause of injury was due to hard and blunt substance.

The learned counsel for the informant has



vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner No. 1 carries 6 cases, petitioner No. 2 carries 2 cases, petitioner No. 3 carries 2 cases, petitioner No. 4 carries 1 case, petitioner No. 5 carries 2 cases, petitioner No. 6 carries 3 cases, petitioner No. 7 carries 5 cases and petitioner No. 8 carries 1 case and submits that the petitioners have not come with the clean hands and the concealment of the fact that the petitioners have carried number of cases but in the main petition he has not stated correct criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection with Sheikhpura P.S. Case No. 66 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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 petitioners and in case at any stage it is found that the petitioners have concealed his 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)

Vanisha/-

U		T	
---	--	---	--

