

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40948 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- HARLAKHI District- Madhubani

1. Shivnath Mahto Son Of Teji Mahto @ Jayant Mahto @ Jayanti Kumar R/O Bishoul, P.S.- Harlakhi, District- Madhubani
2. Jayanti Kumar Mahto Son Of Teji Mahto @ Jayant Mahto @ Jayanti Kumar R/O Bishoul, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

Allegation against the petitioners is that the they caused hurt to the head of the daughter-in-law of the informant namely mamta Devi by means of lathi-danda and iron rod as a result of which she sustained cut injury over her head and blood



began to ooze and they also took gold chain from the neck of Ram Nath and Rs. 27.000/- cash.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present case is counter blast of Harlakhi P.S. Case No. 32 of 2022 filed by the petitioner no. 1 against the informant and his family members. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and the injury report of the informant suggests that the injury is simple in nature.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Harlakhi P.S. Case No. 33 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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