

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41865 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- BHAGWANPUR District- Begusarai

1. PRADIP KUMAR @ PRADEEP MAHTO Son of Nanu Mahto Resident of Village - Makhwa, Gopalpur , Ward No.08, P.s.- Bhagwanpur, Distt.- Begusarai.
2. Ram Lagan Mahto Son of Nunulal Mahto Resident of Village - Makhwa, Gopalpur , Ward No.08, P.s.- Bhagwanpur, Distt.- Begusarai.
3. Bikash Kumar Son of Uchit Mahto Resident of Village - Makhwa, Gopalpur , Ward No.08, P.s.- Bhagwanpur, Distt.- Begusarai.
4. Abhishek Kumar Son of Jhoti Mahto Resident of Village - Makhwa, Gopalpur , Ward No.08, P.s.- Bhagwanpur, Distt.- Begusarai.
5. Milan Kumar Son of Ram Lagan Mahto Resident of Village - Makhwa, Gopalpur , Ward No.08, P.s.- Bhagwanpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 It appears from the order dated 07.11.2022, this application with respect to petitioner No.2 stood dismissed as having been infructuous. Accordingly, the name of petitioner No.2 be deleted from the array of the parties.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 323, 324, 325, 379, 504, 506 and 307 of the Indian Penal Code.



The petitioners are said to have assaulted the informant and his family members by means of pistol, sword, iron rod, lathi and sword resultantly they sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that there is land dispute between the parties and on account of the same, these petitioners have been made accused in this case with false and fabricated accusation. He further submits that though there is allegation of assault by means of deadly weapon like sword against the petitioners, but the injuries sustained by the informant side are simple in nature caused by hard and blunt substance. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State, on the basis of material available on record and the case diary, has opposed the prayer for bail of the petitioners but fairly submits that no deadly injuries have been caused to the injured rather the injuries are simple in nature caused by a hard and blunt substance.



Considering the facts and circumstances of the case, let the, above named, petitioner Nos. 1, 3, 4 and 5 in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 learned Court below where the case is pending in connection with Bhagwanpur P.S. Case No. 71 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled 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.

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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