

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49539 of 2022

Arising Out of PS. Case No.-64 Year-2017 Thana- DULHIN BAZAR District- Patna

1. Ramsinhasan Singh @ Ramsinhasan Mahto S/O Late Harinarayan Mahto @ Harichand Mahto Resident Of Village- Lala Bhadsara, P.S.- Dulhin Bazar, District- Patna
2. Ajit Kumar S/O Mahesh Prasad Resident of village- Lala Bhadsara, P.S.- Dulhin Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 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.

Learned counsel for the petitioners submits that during the pendency of the bail petition, petitioner no. 1 namely Ramsinhasan Singh @ Ramsinhasan Mahto has been arrested and as such he seeks permission to withdraw the application with respect to petitioner no. 1 as having become infructuous.

Permission is accorded.

The application is dismissed as withdrawn with respect to petitioner no. 1.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.



The petitioner no. 2 is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the accused petitioner is that he along with accused persons with weapons in hand and asked to stop cutting the coriander to the informant and his family members then a quarrel took place between them. All the accused persons surrounded them and started firing continuously and accused Ram Subhag Mahto and Vaskrit Mahto assaulted on the head of the informant by lathi on which informant became unconscious and other also assaulted to his family members.

Learned counsel for the petitioner no. 2 carries one more case other than the present one and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner no. 2 and no specific allegation of any assault or overt act against the petitioner no. 2. He further submits that as per allegation in the F.I.R. that co-accused Ramsinhasan Mahto and other co-accused persons assaulted the informant on his head but the injury report of the informant suggests that there is only one injury found on the head of the informant that too simple in nature. He further



submits that co-accused person namely Ram Subhag Mahto has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 21.09.2017 in Cr. Misc. No. 43157 of 2017 and another co-accused persons namely Ramsevak Mahto and Jitendra Kumar have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 14.02.2022 in Cr. Misc. No. 38807 of 2021 and the case of the petitioner stands on similar footing.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner no. 2 and submits that he carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner no. 2, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dulhin Bazar P.S. Case No. 64 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 2 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 petitioner no. 2 tampers 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 petitioner no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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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