

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67819 of 2021

Arising Out of PS. Case No.-239 Year-2021 Thana- PATLIPUTRA District- Patna

1. Kishore Mahto, Son of Late Hira Mahto, Resident of Mohalla - Chainpur, Gate No.- 33, P.S.- Sri Krishna Puri, District - Patna
2. Dina Mahto, Son of Late Fagun Mahto, Resident of Mohalla - Chainpur, Gate No.- 33, P.S.- Sri Krishna Puri, District - Patna
3. Sanjay Rai @ Rahul, Son of Late Shatrudhan Rai, Resident of Mohalla - Chainpur, Gate No.- 33, P.S.- Sri Krishna Puri, District - Patna

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patliputra P.S. Case No. 239 of 2021 registered for the offences punishable under Sections 147, 149, 323, 337, 338, 332, 353, 307 188 of Indian Penal Code and Section 3 of the Epidemic Disease Act. They are in custody since 30.05.2021. The petitioners have got no criminal antecedent.



Learned counsel for the petitioners submits that as per the prosecution story, the petitioners along with other named accused and 15 unknown persons lashed with lathi, danda, bricks and stones became violent and attacked on the Police party due to which the Police party sustained several injuries.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that these petitioners are members of the mob and there is no overt act against these petitioners. It is submitted that the petitioners have no criminal antecedent and they are in custody in connection with this case since 30.05.2021.

Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the nature of allegations in which no specific overt act has been alleged against the petitioners and further that these petitioners have remained in custody for almost one year and investigation against them is complete as also that their presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each



to the satisfaction of learned A.C.J.M-X, Patna, in connection with Patliputra P.S. Case No. 239 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

