

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2742 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- BALTHAR District- West Champaran

Rajesh Mahto Son of Sheo Shankar Mahto Resident of Village and P.S.-
Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 326, 332, 333, 307, 337, 338, 379, 380, 427, 353, 447, 448, 452, 302, 395, 186, 188, 201, 504, 506, 120(B) of the Indian Penal Code and Section 27 of the Arms Act but later Section 436 of the Indian Penal Code was added. .

As per prosecution case, altogether 357 F.I.R. named accused persons including 100 unknown persons entered into the premises of police station and set government vehicle on fire. They attacked police party on account of which some got serious injury and one *Hawaladar* died on spot.

Learned counsel for the petitioner submits that out of



the same set of occurrence the petitioner has been falsely implicated in another case bearing Balthar P.S. Case No. 44 of 2022. He further submits that it appears from the F.I.R. that altogether 357 F.I.R. named accused persons including 100 unknown persons entered into the premises of the police station and set the government vehicle on fire and they attacked the police party on account of which some persons got injured and one Hawaldar died on spot. 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 and there is no specific allegation of any assault or overt act against the petitioner and the petitioner is only the members of mob. He further submits that several accused persons exactly similar with the petitioner have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.11.2022 passed in Cr. Misc. No. 42801 and analogous cases and some of similarly situated co-accused persons have been granted regular bail by a Coordinate Bench of this Court vide order dated 05.12.2022 passed in Cr. Misc. No. 44899 of 2022 and analogous cases. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.05.2022.



Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, 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 Balthar P.S. Case No. 42 of 2022, with the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner 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 and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. 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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