

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14552 of 2023

Arising Out of PS. Case No.-243 Year-2020 Thana- NAUTAN District- West Champaran

1. Birendra Mahto @ Birendra Prasad, Son of Sri Jhoti Prasad @ Shivpujan Prasad R/O Village- Majhariya Kishun, P.S.- Nautan (JAGDISHPUR), District- West Champaran
2. Shailesh Mahto @ Shailesh Kumar Arya Son Of Sri Yogendra Mahto R/O Village- Majhariya Kishun, P.S.- Nautan (JAGDISHPUR), District- West Champaran
3. Sanjeev Kumar @ Sanjeev Kumar Nirala Son Of Sri Raghunath Shastri R/O Village- Majhariya Kishun, P.S.- Nautan (JAGDISHPUR), District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Nautan (Jagdishpur) P. S. Case No. 243 of 2020 registered for the offences punishable under Sections 143, 144, 145, 109, 436, 427, 379, 447, 448, 384, 188 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 14.07.2020 at about 07:10 P.M., all the FIR named accused persons including these petitioners and 100-200 unknown persons entered into the house of the informant and looted ornaments, utensils, T.V. Washing



machine, fridge, motorcycle, cows, goat and other household articles. It is alleged that the accused persons set the hut of the informant constructed near the canal on fire.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there are general and omnibus kind of allegations and similarly situated co-accused have already been granted privilege of anticipatory bail in Cr. Misc. No. 71417 of 2021.

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

Having regard to the facts and circumstances of the case wherein the allegations against the petitioners are general and omnibus and there is no dispute that the case of the petitioners stand on similar footing with that of the co-accused who has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 71417 of 2021, the petitioners have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners be released on bail in connection with Nautan (Jagdishpur) P.S. Case No. 243 of 2020 on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the 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 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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