

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16878 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- PAKARIBARAW District- Nawada

RAJESH KUMAR @ BABLU MAHTO S/o Mahendra Prasad Resident of
village-Badhauna, P.S.-Pakribarawan, District-Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vitesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Pakaribarawan P.S. Case No.392 of 2022, registered for offences under Sections 302/34 of the IPC.

The allegation is regarding the accused persons, including the petitioner herein having waylaid the husband of the informant when he had reached near village Badhauna and thereafter they are alleged to have assaulted him resulting in him succumbing to his injury during the course of treatment.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that there is no eye witness to the alleged occurrence and moreover, no material has transpired during the course of investigation to suggest the complicity of the petitioner in the alleged crime. It is also stated that the similarly situated co-accused persons have already been granted the privilege of anticipatory bail by co-ordinate Benches of this Court, one of such order being the one dated 03.05.2023, passed in Cr. Misc No.8626 of 2023.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that there is no eye witness to the alleged occurrence and similarly situated co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court, though, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Nawada in connection with Pakaribarawan P.S. Case No.392 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner shall mark his attendance before the Officer-in-Charge of the concerned police station on each



Monday of the week at 10:30 am and in the event of two consecutive defaults, the present privilege of anticipatory bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

kanchan/saurav

U		T	
---	--	---	--

