

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16849 of 2023

Arising Out of PS. Case No.-144 Year-2021 Thana- RUDRAPUR District- Madhubani

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Ramashish Mahto S/O Late Narayan Mahto R/O Village-Dhatta Tol(Dumra),
P.S-Rudrapur, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-10-2023 Heard Mr. Jitendra Kumar Bharti, learned counsel

for the petitioner and Mr. Rajendra Nath Jha, learned APP for

the State.

2. The petitioner is apprehending his arrest in connection with Rudrapur P.S. Case No. 144 of 2021, corresponding to G.R. No. 1865 of 2021, F.I.R. dated 25.11.2021 registered for the offences punishable under Sections 341, 323, 504, 354, 379 and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted the son of the informant by means of rod over his head due to which he received injury.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place and from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 14.11.2021 but the present F.I.R. was instituted on 25.11.2021 and for the same occurrence the petitioner has already filed a case bearing Rudrapur P.S. Case No. 137 of 2021 against the informant and his family members on 16.11.2021 itself. He further submits that from perusal of the F.I.R. it appears that the allegation against the petitioner is that he has assaulted the son of the informant and others with iron rod and the son of the informant has received injury but the injury report of the son of the informant suggests that the injury caused by hard and blunt substance and Title Suit No. 27 of 2004 is going on between the parties since 2004 and in the present occurrence both sides have received injuries and two cases which are pending against the petitioner is being filed by the informant's side and the petitioner is on bail in both the cases.

5. Learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, 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 Additional Chief Judicial Magistrate 1st, Jhanjharpur, District- Madhubani in connection with Rudrapur P.S. Case No. 144 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 antecedent, 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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