

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22360 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- BAKHARI District- Begusarai

Gopal Mahto Son Of Late Jaleshwar Mahto Resident Of Village -
Shitalrampur (WARD No. 08), P.S. - Bakhri, Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
17.10.2022, in connection with Bakhri P.S. Case No. 328 of 2022
(G.R. No. 3381 of 2022), F.I.R. dated 16.10.2022 registered for the
offences punishable under Section 341, 323, 504, 506 of the
Indian Penal Code and Sections 25(1-B)a/26 of the Arms Act.

Allegation against the petitioner is of abusing and
assaulting the informant with butt of pistol.

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 the allegation as alleged in
the F.I.R. is false and fabricated and due to admitted family
dispute the present occurrence has taken place and there is non



compliance of Section 100 of the Cr. P.C.. He further submits that as per allegation one country made pistol was recovered and the same was handed over by the informant to the police party and nothing incriminating article has been recovered from the conscious possession of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 328 of 2022 (G.R. No. 3381 of 2022), subject to 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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