

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28222 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- SISWAN District- Siwan

Rudal Mahato @ Rudal Mahto aged about 50 years, Gender – Male, Son Of
Ram Ekbal Mahto @ Ram Ekabal Noniya, Resident Of Village- Chainpur
Mubarakpur, P.S.- Siswan (Chainpur O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Bijay Prakash Singh, learned counsel
appearing on behalf of the petitioner and Mr. Shahabuddin
Azeem @ S. Azeem, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Siswan (Chainpur O.P.) P.S. Case No. 163 of 2022
registered for the offence punishable under Sections 147, 148,
149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal
Code.

3. Prosecution story, in brief, is that while the
informant was ploughing field, the petitioner along with other
accused persons had assaulted the informant by means of *lathi*,
danda, iron rod and several weapons due to which he had
sustained injury on his head.



4. Learned counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against the petitioner. At the best, petitioner can be considered to be one of the members of the mob. He further submitted that the direct allegation of having caused injury to the informant is against Krishna Mahto and Pankaj Mahto. Another co-accused against whom direct allegation of having fired upon the informant has already been released on bail by a co-ordinate Bench of this Court vide order dated 17.04.2023 passed in Criminal Miscellaneous No. 7920 of 2023. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that there is general and omnibus allegation against the petitioner. At the best, petitioner can be considered one of the members of the mob. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from



today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – IV, Siwan in connection with Siswan (Chainpur O.P.) P.S. Case No. 163 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/Nilmani

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