

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37969 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- ARIYARI District- Sheikhpura

1. RAMADHIN MAHTO S/O LATE PARYAG MAHTO R/O Village- Nabinagar Kakrar, PS. Ariyari, Dist. Sheikhpura
2. UMESH MAHTO S/O LATE PARYAG MAHTO R/O Village- Nabinagar Kakrar, PS. Ariyari, Dist. Sheikhpura
3. SUDHIR MAHTO S/O PARYAG MAHTO R/O Village- Nabinagar Kakrar, PS. Ariyari, Dist. Sheikhpura

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Ariari P.S. Case No. 260 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 506, 504 of the Indian Penal Code and section 27 of the Arms Act. They have no criminal antecedent as stated in paragraph ‘3’ of the application.

3. As per the prosecution story, the informant has alleged that while he had gone to take water from the government handpump where one Sandeep Kumar abused him by taking his caste name and started assaulting him. Thereafter



F.I.R. named accused came there with weapons in their hand and also started assaulting the informant and his family members.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. Both the parties belong to the same village and there is case and counter case between the parties.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein after going through the case diary learned A.P.P. for the State has informed this Court that the alleged injuries said to have been caused by these petitioners are simple in nature, there is a case and counter case between the parties with respect to the same occurrence and that there is two different versions of the case, the case lodged from the petitioners' side is prior in time and that these petitioners have no criminal antecedent, in the circumstances, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction



of learned Additional Chief Judicial Magistrate- 1st, Sheikhpura in connection with Ariari P.S. Case No. 260 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

(Rajeev Ranjan Prasad, J.)

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