

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42054 of 2023**

Arising Out of PS. Case No.-73 Year-2023 Thana- SURYAGARHA District- Lakhisarai

1. NEERAJ KUMAR @ NEERAJ MAHTO S/O KALLU MAHTO @ SUBHASH MAHTO @ KAILU MAHTO R/O Patelpur, P.S- Surajgarha, Distt.- Lakhisarai.
2. KALLU MAHTO @ SUBHASH MAHTO @ KAILU MAHTO S/O LATE BRAHMDEO MAHTO R/O Patelpur, P.S- Surajgarha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      02-08-2023                      Heard Mr. Deovind Kumar Singh, learned counsel  
for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Surajgarha P.S. Case No. 73 of 2023 for the offence registered under sections 323, 353, 337, 338, 307 and 34 of the Indian Penal Code and section 37(b)(c) of the Bihar Prohibition and Excise Act lodged on 08.03.2023 by the informant, Pankaj Kumar Singh.

As per the prosecution story, the police came to know that the brick batting is going on in village Patelpur and when went thereto pacify the mob, the stones were also pelted on them. Accordingly, the FIR.



It is the case of the learned Counsel for the petitioner that Tanik Mahto and Rohit Kumar were arrested who disclosed the names of the petitioners and others.

The further submission is that while petitioner no. 1 is a young boy, the petitioner no. 2 is his father and both have been implicated.

Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner no. 2 intends to pay Rs. 3,000/- while petitioner no. 1 intends to pay Rs. 2,000/- on their own to the Chief Minister's Relief Fund.

His last submission is that one of the similar placed co-accused Suraj Kumar @ Suraj Patel has since been extended the relief vide Cr. Misc. No. 40011 of 2023 by a co-ordinate bench on 28.07.2023.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that both of them have criminal antecedents.

Considering the fact that the petitioners name have come in the confessional statement, one similar placed co-accused have been extended the privilege of anticipatory bail,



this Court is also inclined to extend them the same relief subject to the payment of Rs. 3,000/- and Rs. 2,000/- by the petitioners, as stated above and undertaken by the learned Counsel for the petitioners and the receipt thereof is/are to be submitted before the concerned Court.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge IVth cum Special Judge Excise Ist, Lakhisarai in connection with Surajgarha P.S. Case No. 73 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

**(Rajiv Roy, J)**

Neha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

