

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40832 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- HIRAMMA P.S. District- Sheohar

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1. Vikash Kumar Son Of Sudish Mahto @ Sudish Prasad Resident Of Village- Atkoni, Ps- Hiramma, Distt- Sheohar
 2. Sudish Mahto @ Sudish Prasad Son Of Gajadhar Mahto Resident Of Village- Atkoni, Ps- Hiramma, Distt- Sheohar
 3. Nathuni Prasad Son Of Gajadhar Prasad Resident Of Village- Atkoni, Ps- Hiramma, Distt- Sheohar
 4. Akash Kumar Son Of Sudish Mahto @ Sudish Prasad Resident Of Village- Atkoni, Ps- Hiramma, Distt- Sheohar
 5. Ravi Kumar @ Ravi Shankar Kumar Son Of Nathuni Prasad Resident Of Village- Atkoni, Ps- Hiramma, Distt- Sheohar
 6. Fekan Mahto Son Of Banshal Mahto Resident Of Village- Atkoni, Ps- Hiramma, Distt- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Hiramma P.S. Case No. 19 of 2023 instituted under under Sections 147, 341, 342, 332, 324, 353, 427, 307 and 504 of the Indian Penal Code lodged on 23.2.2023 by the informant, Sintu Sah.

As per the prosecution story, the allegation against



these petitioners is/are that when the police along with armed forces went to take statement of independent witnesses in connection with Hiramma P.S. Case No. 18 of 2013, the accused persons of the said case started abusing and later tried to assault the police personnel and only when the higher police officials were informed, they escaped.

Learned counsel for the petitioners submit that omnibus allegation is there and further all of them undertake to pay Rs. 1000/- each to the Chief Minister's Relief Fund irrespective of the outcome of the present case and/or accepting the allegation.

Learned APP opposes the prayer stating that they have attacked the police.

Taking into account the fact that omnibus allegation is there against the accused persons and further FIR lodged and ultimately they will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 1000/- by each by them to the Chief Minister's Relief Fund.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Hiramamma P.S. Case No. 19 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Sheohar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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 the bail bonds;



(vi) 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 observation, the bail application is allowed.

(Rajiv Roy, J)

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