

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47038 of 2023

Arising Out of PS. Case No.-56 Year-2021 Thana- BHEJA District- Madhubani

1. Dhanand Mahto @ Ghananand Mahto Son Of Surya Narayan Mahto Resident Of Village - Bheja, P.S.- Bheja, District - Madhubani.
2. Surya Narayan Mahto Son Of Late Akalu Mahto Resident Of Village - Bheja, P.S.- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s	:	Mrs. Rina Sinha, APP
For the Informant	:	Mr. Amresh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as Mrs. Rina Sinha, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bheja P.S. Case No. 56 of 2021, F.I.R. dated 26.06.2021 for the offences punishable under Sections 323, 325, 341, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused persons armed with iron rod and lathi assaulted the husband and son of the informant due to some land dispute.

4. Learned counsel for the petitioners submits that



petitioner, namely, Dhanand Mahto has clean antecedent and petitioner, namely, Surya Narayan Mahto carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three cases. He further submits that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the police have submitted final form on 30.08.2022 in favour of these petitioners but on the protest petition filed on behalf of the informant, the Court below has taken cognizance against these petitioners on 25.11.2022. In fact the present case is the counter blast of Bheja P.S. Case No. 48 of 2021 which was filed by the petitioners' side in which the informant's side have assaulted the son of the petitioner, namely, Surya Narayan Mahto and the present F.I.R was instituted on 26.06.2021 only to come out of the F.I.R instituted by the family members of the petitioners.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.



6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, III, Jhanjharpur, Dist. Madhubani in connection with Bheja P.S. Case No. 56 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

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