

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56912 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- BAJPATTI District- Sitamarhi

PRABHU MAHTO SON OF PARMESHWAR MAHTO @ PRAMESHWAR
MAHTO VILLAGE- GENPUR, PS- BAJPATTI, DIST- SITAMARHI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bajpatti P.S. Case No. 133 of 2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, when the informant was returning his house the petitioner alongwith other co-accused persons and 5-7 unknown tried to stop him near the house of co-accused Om Prakash Mahto but the informant managed to flee. Later on, co-accused Om Prakash and Ram Prasad tied him with a rope and thereafter all the accused persons assaulted him with lathi, danda and co-accused Ram Prasad assaulted the mother of the informant with fists and slaps.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that allegations levelled against the petitioner are false and baseless.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having heard learned counsel for the petitioner and the State and taking note of the submission that the case of this petitioner is that he has yet not been charge-sheeted and the investigation against him is pending, the thrust of the allegations are against co-accused Om Prakash and Ram Prasad who have already been charge-sheeted and in some of the cases, this Court has granted privilege of anticipatory bail to the co-accused against whom police had submitted final form but learned Magistrate has differed with the police report and summoned them and an order of this Court passed in Cr. Misc. No. 44032 of 2023 and Cr. Misc. No. 44485 of 2023 is Annexure '2' to the present application, in these circumstance, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Bajpatti P.S. Case No. 133 of 2022 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 S.D.J.M., Pupri at Sitamarhi, 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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