

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70950 of 2023**

Arising Out of PS. Case No.-267 Year-2023 Thana- MADHUBAN District-
East Champaran

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RAMANAND MAHTO SON OF HARI NARAYAN MAHTO R/O VILLAGE -
MADHUBAN DIH, P.S.- MADHUBAN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Shanti Bhushan Singh, learned counsel for

the petitioner and Mr. Ram Sevak Chaudhary, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection
with Madhuban P.S. Case No. 267 of 2023 registered for the
offence under Sections 147, 148, 325, 427, 149, 341, 323, 324,
307, 354(B), 379, 504 and 34 of the Indian Penal Code.

The petitioner along with others are alleged to have
assaulted the informant and his family members by means of iron
rod causing them injury and they have also taken away
ornaments from the house of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case due to a petty dispute



with regard to drainage. He further submits that from perusal of the F.I.R, it appears that no specific allegation of assault or any overt act is attributed to the petitioner rather general and omnibus allegation is leveled against him. He further submits that though there is allegation of assault is alleged against the petitioner and others but no injury report is available on record to support the allegation levelled against the petitioner. He further submits that in absence of injury, no case under Section 307 of the Indian Penal Code is made out against the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner along with others have assaulted the informant and tried to outrage the modesty of the informant.

Considering the facts and circumstances of the case and the fact that neither specific allegation of assault is attributed to the petitioner nor anyone has sustained injury as no injury report is available on record to supplement the allegation, as alleged in the F.I.R, against the petitioner, coupled with the fact that the petitioner bears the clean antecedent, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection



with Madhuban P.S. Case No. 267 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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