

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69963 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- BHEJA District- Madhubani

1. JAGDISH MAHTO S/o Late Saryug Mahto R/o village- Daldal, P.S.- Bheja, Distt- Madhubani.
2. PREMTA DEVI W/o Sunil Mahto R/o village- Daldal, P.S.- Bheja, Distt- Madhubani.
3. DAY SUNDARI DEVI W/o Fulgendra Mahto R/o village- Daldal, P.S.- Bheja, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 22.06.2022 (petitioner no.1) and 05.08.2022 (petitioner no.2 and 3) respectively, in connection with Bheja P.S. Case No.48/2022, corresponding to G.R. No. 1012 of 2022, F.I.R. dated 20.06.2022 registered for the offences punishable under Sections 115, 302 and 34 of the I.P.C.

According to prosecution case, while the son of the informant was passing through the house of the petitioner no.1, co-accused, namely, Sanjeet Kumar assaulted the son of the



informant several times by means of lathi due to that the son of the informant died.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including these petitioners and in second part, the specific allegation of assault is attributed against the co-accused, namely, Sanjeet Kumar Mahto, and the police, after investigation submitted the charge sheet against these petitioners. The petitioner no.1 is in custody since 22.06.2022 and the petitioner nos.2 and 3 are in custody since 05.08.2022 respectively.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Bheja P.S. Case No.48/2022, corresponding



to G.R. No. 1012 of 2022, subject to the following conditions:-

1. 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.

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

3. 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)

amit/-

U		T	
---	--	---	--

