

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72944 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- BIRUPUR District- Lakhisarai

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1. ANIL MAHTO Son of Baiju Mahto R/o vill - Turkaijani, P.S. - Birupur, Distt. - Lakhisarai
 2. Sachin Mahto @ Sachhu Mahto @ Sachin Kumar Son of Devan Mahto R/o vill - Turkaijani, P.S. - Birupur, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioners are accuseds in connection with Birupur P.S. Case No. 26 of 2023 registered for the offences under sections 147, 148, 149, 323, 341, 307, 504, 506 and 34 of the Indian Penal Code lodged on 16.05.2023 by the informant, Umesh Mahto.

3. As per the prosecution story, Shankar Mahto assaulted the informant by rod causing injury on his head. Further, allegation against the accused persons is of assaulting the Arbind Mahto and Sanjay Mahto who had come to the rescue of the informant causing injury to them. Accordingly, the FIR.



4. Learned Counsel for the petitioners submit that it is a matter of case and counter case, omnibus allegation against the petitioners herein, specific allegation is against Shankar Mahto of assaulting the informant on his head.

5. The last submission is that they do not have criminal antecedent and are in custody since 17.05.2023 (as stated in paragraph 11 of the bail application).

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that though omnibus but allegation of assault is also there against these petitioners.

7. Taking into account the aforesaid submissions put forward by the learned Counsel for the petitioners as also that specific allegation is against Shankar Mahto, they are in custody since 17.05.2023 and do not have criminal antecedent, this Court is inclined to extend them privilege of bail.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Birpur P.S. Case No. 26 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their



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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 their bail bonds;

(v) 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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