

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74292 of 2022**

Arising Out of PS. Case No.-44 Year-2022 Thana- BALTHAR District- West Champaran

Rajesh Mahto, son of Sheo Shankar Mahto R/O Village + P.S.- Balthar,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s: Mr.Narendra Kumar Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 04-03-2023 Heard Mr. Sanjeev Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Narendra Kumar
Singh, learned A.P.P. for the State, in virtual mode.

2. The petitioner who is in custody since 09.05.2022
seeks regular bail in connection with Balthar P.S. Case No. 44 of
2022 for the offence punishable under Sections 147, 148, 149,
341, 323, 337, 338, 353, 186 and 188 of the Indian Penal Code.

3. As per F.I.R., 373 named persons including the
petitioner and 100 unknown persons restored to blockage of
road and committed violence with the police party in protest of
death of one person.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and has
falsely been implicated in the present case. No specific overt act
has been alleged against the petitioner rather the allegation
levelled against the petitioner is general and omnibus. He



further submitted the petitioner is in custody since 09.05.2022 and similarly situated co-accused have already been granted bail by coordinate Benches of this Court vide order dated 06.12.2022 passed in Cr. Misc. No. 46002 of 2022, order dated 08.12.2022 passed in Cr. Misc. No. 47506 of 2022 and order dated 23.01.2023 passed in Cr. Misc. No. 71762 of 2022 and other analogous cases.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforementioned facts and circumstances of the case and the fact that the charge sheet has already been submitted against all 373 named accused and other unknown who are villagers and in Para-3 of the bail application petitioner has made specific statement that for the same incidence, two F.I.Rs. were lodged almost for the similar allegation against the petitioner. It appears that no specific allegation has been made against the petitioner and the petitioner only happens to be the member of the mob. Other co-accused have already been released on bail.

7. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran



in connection with Balthar P.S. Case No. 44 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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