

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78490 of 2023

Arising Out of PS. Case No.-58 Year-2020 Thana- WAJIRGANJ District- Gaya

1. RAM PRAVESH KUMAR Son of Shahvir Prasad @ Shahbir Prasad @ Shahbir Mahto @ Shahbil Mahto @ Shahvir Mahto R/o vill - Regna Sikandarpur, P.s. - Wazirganj, Distt. - Gaya
2. Shahvir Prasad @ Shahbir Prasad @ Shahbir Mahto @ Shahbil Mahto @ Shahvir Mahato Son of Late Ishwar Mahto R/o vill - Regna Sikandarpur, P.s. - Wazirganj, Distt. - Gaya
3. Pramod Mahto @ Pramod Kumar Son of Late Bindeshwar Mahto R/o vill - Regna Sikandarpur, P.s. - Wazirganj, Distt. - Gaya
4. Gayatri Devi W/o Pramod Mahto @ Pramod Kumar R/o vill - Regna Sikandarpur, P.s. - Wazirganj, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Wazirganj P.S. Case No. 58 of 2020 for the offence registered under sections 448, 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code lodged on 09.02.2020 by the informant Manjusa Devi.

3. As per the prosecution story, the allegation is/are that the accused persons broke the door of the informant's house and started assaulting. Allegation is that in the process, the



petitioner no. 3 (Pramod Mahto @ Pramod Kumar) used iron rod to cause injury on her head while petitioner no. 2 (Shahvir Prasad @ Shahbir Prasad @ Shahbir Mahot @ Shahbil Mahto @ Shahvir Mahato) later on assaulted the informant. So far as the allegation against petitioner no. 1 is concerned, the same is regarding snatching of gold ornaments. There is no allegation against petitioner no. 4.

4. Learned Counsel for the petitioners submit that due to land dispute they have been dragged in, no such occurrence took place and they do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that there is specific allegation of assault on petitioner nos. 2 and 3.

6. Taking into account the allegation that has come against the petitioner no. 2 (Shahvir Prasad @ Shahbir Prasad @ Shahbir Mahot @ Shahbil Mahto @ Shahvir Mahato) and petitioner no. 3 (Pramod Mahto @ Pramod Kumar) are concerned, they cannot be extended the privilege of anticipatory bail which is accordingly rejected.

7. So far as the petitioner no. 1 (Ram Pravesh Kumar) and petitioner no. 4 (Gayatri Devi) are concerned, considering the kind of allegation that has come against them as also no



allegation against petitioner no. 4, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner no. 1 (Ram Pravesh Kumar) and petitioner no. 4 (Gayatri Devi) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail 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. 1st, Gaya in connection with Wazirganj P.S. Case No. 58 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 1 (Ram Pravesh Kumar) and petitioner no. 4 (Gayatri Devi), who shall provide official document to show their *bona fide*;

(ii) the petitioner no. 1 (Ram Pravesh Kumar) and petitioner no. 4 (Gayatri Devi) 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 petitioner no. 1 (Ram Pravesh Kumar) and petitioner no. 4 (Gayatri Devi) 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;

(iv) the petitioner no. 1 (Ram Pravesh Kumar) and
petitioner no. 4 (Gayatri Devi) 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.

(Rajiv Roy, J)

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