

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9875 of 2024

Arising Out of PS. Case No.-422 Year-2023 Thana- MUFFASIL District- West Champaran

1. Dilip Mahato Son Of Ramlal Mahato Resident Of Village- Barwat Parsain Ps- Bettiah Muffasil District- West Champaran
2. Ramlal Mahato Son Of Late Narsingh Mahato Resident Of Village- Barwat Parsain Ps- Bettiah Muffasil District- West Champaran
3. Chhotelal Mahato Son Of Late Ramashray Mahto Resident Of Village- Barwat Parsain Ps- Bettiah Muffasil District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners and Mr. Aslam Ansari, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bettiah (Muffasil) P.S. Case No. 422 of 2023, F.I.R. dated 27.06.2023 for the offences punishable under Sections 143, 341, 323, 324, 307, 379, 504 and 354B of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioner no.1 & 2 carries no criminal antecedent and petitioner no.3 carries one criminal antecedent other than the present one. He further submits that from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioners. He further submits that there is specific allegation of assault is attributed against the co-accused person, namely, Munna Mahato, Rajkishore Mahato, Mahendra Mahato and Anil Mahato and there is case and counter case between the parties. He further submits that from bare perusal of the FIR it appears that due to land dispute the present occurrence took place between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.3 carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of overt act attributed against the petitioners, petitioner nos.1 & 2 having clean antecedent and there is admitted land dispute between the parties, let the petitioners, above named, in the event of arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 422 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 bonds 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)

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