

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12155 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- KARANDAY District- Sheikhpura

1. Indradev Mahto son of Faggu Mahto
2. Faggu Mahto son of Late Jari Mahto
Both R/o Village- Asthawan P.S- Karadey Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr.Sheo Nandan Prasad, learned counsel for
petitioners and Mr.Uday Chand Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in
connection with Karakandey P.S.Case No. 119 of 2023, FIR
dated 18.11.2023, registered for the offences punishable under
Sections 147,149,341,323 and 307 of IPC.

3. As per written report of the informant, prosecution
story in brief is that on 11.11.2023 at about 06:30 PM. accused
persons named in the written report armed with weapon were
near their house. When informant was going from there,
Yogendra Mahto ordered to assault, then all accused persons
assaulted him with Lathi, Paina and rod, due to which he got



injured. Amit Kumar assaulted on his head with rod causing head injury. Indradev Mahto assaulted on his chest with kicks and punches. In assault his head was badly injured. The informant was admitted to Chewara Hospital from where he was referred to Sadar Hospital, Sheikhpura and from where he was referred to Pawapuri Hospital.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties and from a bare perusal of the FIR it appears that co-accused person, namely, Amit Kumar has assaulted by means of rod on the head of the informant and there is no specific allegation of any assault or overt-act attributed against the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of petitioners and submits that the petitioners are named in the FIR and apart from the aforesaid the petitioner No.1 carries one more case and petitioner No.2 carries two more cases other than the present one but fairly submits that the petitioners are on bail in the pending matters, as mentioned in para-3 of the anticipatory bail petition.



6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their 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 bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sheikhpura in connection with Karakandey P.S.Case No. 119 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 antecedents, 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)

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