

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19091 of 2024

Arising Out of PS. Case No.-1149 Year-2023 Thana- TURKAULIYA District- East Champaran

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1. Kapildev Mahto Son Of Late Shiv Pasad Mahto Village- Shankar Saraiya, Kasba Tola, P.S.- Turkauliya, District- East Champaran
 2. Rakesh Kumar Son Of Kapildev Mahto Village- Shankar Saraiya, Kasba Tola, P.S.- Turkauliya, District- East Champaran
 3. Ganesh Kumar Son Of Vishwanath Mahto Village- Shankar Saraiya, Kasba Tola, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Karandeep Kumar, learned counsel for the petitioners as well as Mr. Anil Kumar Singh No.1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Turkauliya P.S. Case No. 1149 of 2023, F.I.R. dated 09.11.2023 for the offences punishable under Sections 147, 447, 341, 323, 325, 308, 379, 354(B), 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all these petitioners armed with deadly weapon have brutally assaulted the informant as well as her family members due to which they have sustained



injuries. It is further alleged co-accused, Ravi Kumar teared the clothe of the informant and tried to outrage her modesty.

4. Learned counsel for the petitioners submits that petitioner no. 3 has clean antecedent whereas petitioner nos. 1 and 2 carries one other criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that as per the F.I.R, petitioner no.1 has assaulted father-in-law of the informant and petitioner no. 3 has assaulted brother-in-law of the informant, namely, Naresh Sah. He further submits that although the father-in-law of the informant has received injury which is greivous in nature but the said injury is fracture in hand due to which the injury is greivous and the injury report of the Naresh Sah suggests that he has received three injuries where opinion is reserved for injury nos. 1 and 2 and the injury no. 3 is simple in nature caused by hard and blunt substance. He further submits that due to admitted land dispute there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 1149 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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