

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14965 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- ALAMNAGAR District- Madhepura

Nirbudhi Mahto Son of Shiban Mahto @ Shivan Mahto Resident of Village-
Bhagipur alias Narthua Bhagipur, Ward No. 2, P.S.- Alamnagar, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Alamnagar P.S. Case No. 156 of 2023, F.I.R. dated 07.06.2023, registered for the offences punishable under Sections 323, 324, 341, 342, 307, 332, 353, 504, 333, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the allegation against the petitioner is to assault the police personnel by spade.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. As per the allegation in the F.I.R., the petitioner has assaulted with spade on one Rambahadur Singh, who is A.S.I. of the police and also assaulted to one home guard police, namely, Dilip Kumar

Singh. He further submits that upon perusal of the F.I.R., it appears that Rambahadur Singh saved himself and he has not sustained injury and with regard to the injury of Dilip Kumar Singh, although he has received injury, but the injury report of Dilip Kumar Singh suggest that the injury is simple in nature.

5. Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. that there is specific allegation against the petitioner that he has assaulted to the police personnel and apart from that the petitioner has one criminal antecedent other than the present one, but he fairly admits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Udakishunganj, Madhepura, where the case is pending in connection with Alamnagar P.S. Case No. 156 of 2023, subject to the conditions as laid down under Section 438(2) of the

Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). If the petitioner 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 trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. 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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