

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21290 of 2024

Arising Out of PS. Case No.-865 Year-2023 Thana- TURKAULIYA District- East
Champaran

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RAKESH MAHTO @ RAKESH KUMAR S/O RAM PRASAD MAHTO
R/O VILLAGE- SINGHIYAHIWAN, P.S- BANJARIYA, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Kundan Rathore, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Turkauliya (Banjariya) P.S. Case No. 865 of
2023, F.I.R. dated 05.08.2023 registered for the offences
punishable under Sections 341, 323, 324, 307, 379, 354, 504
and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons brutally assaulted the informant
and his wife by means of *gadasa* and iron rod, resultantly the
informant and his wife sustained injuries on the head and other
parts of the body.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the accused person rather there is general and omnibus allegation against all the accused persons including the petitioner and petitioner has been made accused merely on the ground that the petitioner is the brother of co-accused Raj Kumar Mahto.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and petitioner has assaulted the informant and their family members along with other co-accused and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned Court, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 865 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below 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 court below 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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