

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21473 of 2024

Arising Out of PS. Case No.-760 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Timan Mahto Son Of Krit Mahto R/O-Loknathpur, P.S.-TURKAULIYA,
Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the State : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Dhannjay Kumar No.2, learned counsel
for the petitioner and Mr. Pramod Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Turkauliya P.S. Case No. 760 of 2019, F.I.R.
dated 01.11.2019 for the offences punishable under Sections 302
and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along
with other co-accused persons came and started removing the
hut of the informant and when the father of informant objected,
all the accused persons brutally assaulted him with *lathi-danda*.
Due to which during the treatment he died.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although the petitioner is named in the FIR but there is no specific overt act attributed against the petitioner rather specific allegation of assault is attributed against the co-accused person, namely, Ajit Mahto that he assaulted the father of the informant by means of *lathi*. He further submits that both the parties agnates to each other.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent and there is no specific allegation of any assault or overt act against the petitioner, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 760 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



with other following conditions:-

i. 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.

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 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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