

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23979 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- NAUTAN District- West Champaran

1. Suresh Yadav Son Of Chintaman Yadav Resident Of Village- Gamhariya Ps- Jagdishpur, Dist- West Champaran
2. Palat Mian Son Of Late Jangi Mian Resident Of Village- Gamhariya Ps- Jagdishpur, Dist- West Champaran
3. Chandrika Mahto @ Chadrika Prasad Son Of Late Dipnarayan Mahto @ Late Pute Mahto Resident Of Village- Gahiri Gamhariya, Ps- Nautan, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Khushi, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-04-2024 Heard Ms. Manisha Khushi, learned counsel for the
petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Nautan P.S. Case No. 316 of 2023 for the offence under Sections 147, 148, 149, 341, 323, 325, 307, 327, 504, 506 of the I.P.C. lodged on 27.07.2023 by the informant, Laxman Shah.

3. As per the prosecution story, the informant was getting his land ploughed by a tractor when the accused persons came and specific allegation against petitioner no.1 (Suresh Yadav) is of opening fire causing injury on the chest of the



informant, as the villagers came, the accused persons will be fled. The informant was taken to Nautan Hospital for treatment and then to Bettiah Medical Hospital, Bettiah. The F.I.R. was lodged thereafter.

4. Learned counsel for the petitioners submits that there are three petitioners, so far as petitioner no.1 (Suresh Yadav) is concerned, though, the allegation is of opening fire, injury has been found to be simple. Regarding petitioner nos. 2 and 3 (Palat Mian and Chandrika Mahto @ Chandrika Prasad) are concerned, no role has been attributed except their presence.

5. Learned APP opposes the prayer stating that so far as the petitioner no.1 is concerned, not only he opened fire he has criminal antecedent of the same nature also. Regarding petitioner nos.2 and 3 though learned APP submits that specific allegation is not there, they too have criminal antecedent.

6. Taking into account the aforesaid facts, as also that there is specific allegation against petitioner no.1 (Suresh Yadav), his anticipatory bail application stands rejected.

7. So far as petitioner no. 2 (Palat Mian) and petitioner no.3 (Chandrika Mahto @ Chandrika Prasad) are concerned, though, they have criminal antecedent, no role has been attributed to them and in that circumstance, this Court is



inclined to extend them the privilege of anticipatory bail.

8. Let the petitioner no.2 (Palat Mian) and petitioner no. 3 (Chandrika Mahto @ Chandrika Prasad) be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Bettiah, West Champaran/Successor Court, in connection with Nautan P.S. Case No. 316 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 2 and 3 who shall provide official document to show their bona fide;

(ii) the petitioner nos. 2 and 3 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner nos. 2 and 3 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner nos. 2 and 3 shall in no way try to induce or promise or threat the witnesses or tamper with the



evidences, failing which the State shall be at liberty to take steps
for cancellation of the bail bonds;

(v) the petitioner nos. 2 and 3 shall desist from
committing any criminal offence again, failing which the State
shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Guddu/-

U		T	
---	--	---	--

