

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38168 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- MIRGANJ District- Purnia

-
1. Shambhu Mahto S/O Late Mannu Mahto R/O Village- Rotha Bintoli, P.S- Mirganj, Distt.- Purnea.
 2. Rovin Mahto @ Ravin Mahto S/O Maheshwari Mahto R/O Village- Rotha Bintoli, P.S- Mirganj, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Jitendra Kumar Giri, learned counsel for the
petitioners and Mrs. Rita Verma, learned APP for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw the application with respect to
petitioner no. 1, namely, Shambhu Mahto.

3. Permission is accorded.

4. The bail application with respect to petitioner no.1,
namely, Shambhu Mahto is dismissed as withdrawn.

5. The petitioner no. 2 is apprehending his arrest in
connection with Mirganj P.S. Case No. 18 of 2024, F.I.R. dated
31.01.2024 registered for the offences punishable under Sections
341, 323, 307, 504, 506/34 of the Indian Penal Code.

6. Allegation against the accused petitioner is that he



along with other co-accused person opened firing upon the informant Yaddu Mahto who was sleeping on his loft at 12:00 AM in the night and seriously injured the informant.

7. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 has clean antecedents and he has been falsely implicated in the present case. 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 petitioner no. 2 rather the allegation of firing attributed against co-accused person namely Sahambhu Mahto.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner no. 2.

9. Considering the aforesaid facts that the petitioner no. 2 having clean antecedent and there is no specific allegation of any assault overt act against the petitioner no. 2, let the petitioner no. 2, namely, Rovin Mahto @ Ravin Mahto, 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, Purnea, District-Purnea in connection with Mirganj P.S. Case No. 18 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following



conditions :-

(1) Petitioner no. 2 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 no. 2 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 no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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)

Ibrar//-

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

