

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45998 of 2024

Arising Out of PS. Case No.-617 Year-2023 Thana- ROSERA District- Samastipur

1. Bauye Lal Mahto S/O Late Baleshwar Mahto R/O Village- Baghopur, P.S.- Rosera, District- Samastipur
2. Vikash Kumar @Vikash Mahto S/O Boeyelal Mahto R/O Village- Baghopur, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Rosera P.S. Case No. 617 of 2023 instituted under Sections 147, 148, 149, 323, 307, 379, 504, 506 of the Indian Penal Code and 27 of the Arms Act lodged on 17.12.2023 by the informant, Ramshish Mahto.

3. As per the prosecution story, the informant alleged that the three brothers had partitioned their land decades ago. However, the petitioner no.1 who is one of the brother, executed deed in favour of his son despite the fact that in the partition, it was allotted to him. The allegation is that to grab



the said land, went to to the place concerned and thereafter, at the behest of petitioner no.1, the petitioner no.2 Vikash Kumar as also another son, Sheo Shankar opened fire which hit the informant as also his son. The allegation against the petitioner no.1 is assaulting by fist and leg. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is land dispute between the parties and as such an exaggerated FIR has been lodged.

5. Learned APP on the other hand points out that direct allegation against Vikash Kumar and Sheo Shankar of opening fire which hit the informant as also his son.

6. Considering the aforesaid facts as also the allegation that has come against Vikash Kumar (petitioner no.2) and Sheo Shankar, no relief can be granted to him, his anticipatory bail application stands rejected.

7. So far as the petitioner no.1, Bauye Lal Mahto is concerned, he is 62 years old, allegation is of order giver as also assaulting by fist and leg, they do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner no.1, Bauye Lal Mahto be released on bail, in the event of his arrest or surrender before the



subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Rosera P.S. Case No. 617 of 2023 to the satisfaction of learned A.C.J.M.-1, Rosera, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner no.1, Bauye Lal Mahto who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1, Bauye Lal Mahto 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 his bail bond by the Trial Court itself;

(iii) the petitioner no.1, Bauye Lal Mahto shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner no.1, Bauye Lal Mahto shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner no.1, Bauye Lal Mahto 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;

(Rajiv Roy, J)

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