

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38416 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- LAUKAHA District- Madhubani

1. Suresh Kumar Mahto @ Suresh Mahto S/O- Ram Sewak Mahto, R/O Village- Bholapur, P.S. Lalmaniya, Dist.- Madhubani.
2. Sital Prasad Mahto @ Shital Mahto S/O- Late Naseeb Lal Mahto, R/O Village - 16 Sarojanipark, Sastri Nagar, East Delhi - 110031.
3. Satya Narayan Mahto S/O- Late Tapeswar Mahto, R/O Village- Bholapur, P.S. Lalmaniya, Dist.- Madhubani.
4. Nand Lal Mahto S/O- Late Ramjee Mahto, R/O Village- Bholapur, P.S. Lalmaniya, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Gagan Deo Yadav, the learned counsel for the petitioners and Mr. Dilip Kumar No. 1, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Laukaha (Lalmaniya) PS Case No. 279 of 2022, FIR dated 12.10.2022, registered for the offences punishable under Sections 341, 342, 323, 353, 379, 427, 385, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the petitioners along with other co-accused persons entered into the premises



of informant's school under the guise of media persons and started recording video inside the school premises and also took school's several documents. It is further alleged that the co-accused persons also abused and assaulted school teachers and the informant. It is further alleged that the co-accused persons also snatched mobile phone of a female school teacher namely, Leelawati Kumari. It is further alleged that due to non-fulfillment of *rangdari*, the present occurrence has taken place.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegations against all the accused persons including the petitioners and it also appears that the date of occurrence is 10.10.2022, but the present FIR is instituted on 12.10.2022, after a delay of two days without giving any explanation for the delay.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



and mainly the fact that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against them, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani, where the case is pending in connection with **Laukaha (Lalmaniya) PS Case No. 279 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial



Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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