

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40027 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- KHANPURA District- Samastipur

Uday Chandra Mahto Son of Manki Mahto Resident of Village-Madhutol,
P.S- Khanpur, District- Samastipur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Khanpur P.S. Case No. 53 of 2024 instituted under Sections 341, 342, 323, 307, 354, 379, 506, 34 of the Indian Penal Code lodged on 2.4.2024 by the informant, Binod Kumar.

3. As per the prosecution story, the informant alleged that the petitioner and his wife came to the house of the informant for settling the land dispute but later, scuffle took place. Thereafter, the accused persons assaulted and allegation against this petitioner as also Lalit Kumar is of having caught hold of the victim and Hari Om Kumar gave injury on the head by bricks. When the wife of the informant tried to save, one Umesh Mahto assaulted as also took away Rs. 21000/-. As the locals arrived, the accused persons escaped which followed the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that only allegation is having caught hold of the victim, the specific allegation is against Hari Om Kumar of having assaulted by means of brick and the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that he was also one of the accused persons who caught hold of the victim.

6. Taking into account the aforesaid submissions as also the fact that allegation mainly is against Hari Om Kumar of assaulting the informant, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner 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 Khanpur P.S. Case No. 53 of 2024 to the satisfaction of learned Judicial Magistrate-1st Class cum Additional Munsif, 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 who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) the petitioner 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;

(vi) the petitioner 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)

Ravi/-

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

