

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41246 of 2024

Arising Out of PS. Case No.-398 Year-2017 Thana- JOGAPATTI District- West Champaran

Krishnalal Mahato Son Of Late Khedu Mahato Resident Of Village -
Dhanwatia Pipra, Police Station - Jogapatti, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Brij Kishor Mishra, learned counsel for
the petitioner and Mr. Shantanu Kumar, learned APP for the
State.

2. The petitioner is apprehending his arrest connection with Jogapatti P.S. Case No. 398 of 2017, F.I.R. dated 13.10.2027 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 308, 504, 506 of the Indian Penal Code.

3. Allegation against the petitioner is of assault with Farsha on the head of the informant due to which he sustained injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



present occurrence had taken place due to admitted land dispute between the parties. He further submits that as per allegation in the F.I.R. the petitioner assaulted to the informant and although the informant has received injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent as well as injury report of the informant, let the petitioner, above named, 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 Judicial Magistrate 1st Class, Bettiah, District- West Champaran in connection with Jogapatti P.S. Case No. 398 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 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 and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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