

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52230 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- BAJPATTI District- Sitamarhi

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1. Brajesh Kumar @ Brajesh Mahto Son of Bhogendra Mahto Village- Bachopatti Narha, Ward No. 9, Ps- Bajpatti, Dist- Sitamarhi
 2. Mahendra Mahto Son of Late Vindeshwer Mahto Village- Bachopatti Narha, Ward No. 9, Ps- Bajpatti, Dist- Sitamarhi
 3. Gopal Mahto Son of Thakur Prasad Village- Bachopatti Narha, Ward No. 9, Ps- Bajpatti, Dist- Sitamarhi
 4. Chandeshwer Mahto Son of Fekan Mahto Village- Bachopatti Narha, Ward No. 9, Ps- Bajpatti, Dist- Sitamarhi
 5. Bhogendra Mahto Son of Late Vindeshwer Mahto Village- Bachopatti Narha, Ward No. 9, Ps- Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Ranjeet Kumar Mishra, learned counsel

for the petitioners as well as Mr. Yogendra Kumar, learned

Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submit that

during the pendency of the present bail petition, Petitioner No.

4, namely, Chandeshwer Mahto has been arrested. So, the

present bail petition with respect to Petitioner No. 4 has become

infructuous. Hence, he seeks permission to withdraw this bail

petition with respect to Petitioner No.4.



3. Permission is accorded.

4. Accordingly, this bail petition stands dismissed as withdrawn with respect to Petitioner No. 4, namely, Chandeshwer Mahto.

5. The petitioners (except Petitioner No. 4) are apprehending their arrest in connection with Bajpatti P.S. Case No. 86 of 2024, F.I.R. dated 28.03.2024 for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 354, 504 and 506 of the Indian Penal Code.

6. According to prosecution case, the petitioners along with other co-accused persons armed with weapons assaulted the informant and other persons and also snatched jewelleryes.

7. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case due to petty dispute. There is case and counter case. He further submits that although there is specific allegation agaিসnt Petitioner Nos. 1 and 3 that they have assaulted Sanjay Mahto but the injury report of the Sanjay Mahto suggest that the injury is simple in nature and as per the allegation against the Petitioner Nos. 2 and 5 is concerned, there is no specific allegation against them.

8. The learned counsel for the informant and learned



Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and apart from that there is allegation against them that they have assaulted the informant and his family members.

9. Considering the aforesaid facts and circumstances, let the petitioners (except Petitioner No.4), above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S. Case No. 86 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 court below 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 court below 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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