

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47875 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- ISUAPUR District- Saran

Sipahi Lal Mahto @ Sipahi Mahto @ Siphai Lal Mahto Son of Ram Jatan
Mahto R/o Village - Piparahiya, P.S.- Isuapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr.Gajendra Kumar Singh, learned counsel
for the petitioner and Mr.Brajendra Nath Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Isuapur P.S.Case No.182 of 2023,FIR dated 09.07.2023 registered for the offences punishable under Sections 147,148,149,341,323,324,307,379,504 of IPC.

3. The prosecution case, in brief, is that the informant Jira Devi has filed this case wherein it has been alleged that 19.05.2023 at 7.00 A.M she was at her house, in the meantime accused Sekh Chandra Mahto @ Sakhi Chandra Mahto, Sipahi Lal Mahto @ Sipahi Mahto, Sidhari Mahto @ Shivdhari Mahto aged Dileep Mahto armed with Farsa, rod and danda came there. They abused the informant. The accused Dileep Mahto assaulted



the informant from farsa on her neck, which caused injury on the head of informant. Seeing the occurrence. Madhu Kumata, Devendra Kumar, Satydeo Mahto, Bhushan Kumar and Seema Kumari came to save the informant in the mean time accused Jharilal Mahto assaulted from Garasi which caused blow near the left eye of Devendra Kumar. Sakhi Chandra Mahto assaulted Satyadeo Mahto from Garasi which caused injury on the toe of left leg. The accused persons assaulted all the injured and Shivdhari Mahto snatched ear ring and gold Mangalsutra of informant. Sipahi Mahto torn the cloth of informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Although the petitioner is named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is specific allegation of assault attributed against co-accused persons, namely, Dileep Mahto, Jharilal Mahto and Sekh Chandra Mahto @ Sakhi Chandra Mahto and there is case and counter case between the parties.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR and apart from



the aforesaid, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Isuapur P.S. Case No.182 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his/her 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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