

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51369 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- MADHUBAN District- East Champaran

Rahul Kumar Son of Umesh Mahto R/O Vill.- Madhuban Dih, P.s.-
Madhuban, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the State : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Rahul Singh, learned counsel for the

petitioner and Mr. Tarun Prasad Mandal, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
08.06.2024, in connection with Madhuban P.S. Case No. 267 of
2023, FIR dated 13.06.2023 for the offences punishable under
Sections 147, 148, 149, 325, 427, 341, 323, 324, 307, 354B,
379, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he
has assaulted to one Awara Mahato with *fatta*.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He further
submits that the allegation as alleged is false and fabricated and



the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that petitioner and other co-accused persons have assaulted to the family members of the informant and there is specific allegation against the petitioner that he has assaulted to one Awara Mahato. He further submits that although Awara Mahato received the injury but the injury report of the victim suggests that the injury is simple in nature. The petitioner is rotting in judicial custody since 08.06.2024.

5. Learned learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact the petitioner having clean antecedent and injury inflicted upon the Awara Mahato is simple in nature, let the, above named, petitioner 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Madhuban P.S. Case No. 267 of 2023 with the 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 canceled 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.

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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