

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62854 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Rukhiya Devi W/O Jaynath Mahto
 2. Jaynath Mahto S/O Shiv Mahto
 3. Pradeep Kumar Mahto S/O Jaynath Mahto
All Resident Of Village- Singhiya Hibban Ward No. 1, P.S- Turkauliya
(BANJARIYA), Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2024 Heard Mr.Abhishek Kumar, learned counsel for the

petitioners, learned counsel for the informant and

Mr.Mohammed Arif, learned Additional Public Prosecutor for

the State.

2. The petitioners are apprehending their arrest in
connection with Turkauliya (Banjariya) P.S.Case No.138 of
2023, FIR dated 26.01.2023 registered for the offences
punishable under Sections 302,120/34 of the Indian Penal
Code,1860.

3. Allegation against the petitioners is that they
alongwith other co-accused persons killed the husband of the
informant by cutting his neck with daila.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. In fact the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the petitioners have been falsely implicated in the present false and fabricated case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners and nothing has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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 learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S.Case No.138 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) 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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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