

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68336 of 2024

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

Chandeshwer Mahto @ Chandeshwar Mahto Son of Fekan Mahto Resident of
Village- Bachopatti Narha, ward no 9, P.S.- Bajpatti, District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the State : Mr. Nagendra Prasad, APP

For the Informant : Mr. Anand Kishore Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Ranjeet Kumar Mishra, learned counsel
for the petitioner, Mr. Anand Kishore Chaudhary, learned
counsel appearing on behalf of the informant as well as Mr.
Nagendra Prasad, learned Additional Public Prosecutor for the
State.

2. Petitioner seeks bail who is in custody since
04.07.2024 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.

3. According to prosecution case, all the accused
persons armed with deadly weapon have brutally assaulted the
informant and his family members. It is further alleged that co-
accused, Brajesh Mahto and Gopal Mahto inflicted katta blow



upon the head of one Sanjay Mahto resulting into cut injuries. Accused persons also tore clothes and snatched jewelries of Mithilesh Devi and Rita Devi who came to rescue the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although the petitioner is named in the F.I.R but there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Brajesh Kumar @ Brajesh Mahto and others have been granted anticipatory bail by this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 52230 of 2024. The petitioner is in custody since 04.07.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief
Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S.
Case No.86 of 2024, subject to 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 absence on two consecutive dates without sufficient reason, his 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 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)

Vanisha/-

U		T	
---	--	---	--

