

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81374 of 2023

Arising Out of PS. Case No.-440 Year-2023 Thana- MUFFASIL District- West Champaran

1. Rajesh Mahto S/O Deva Mahto R/O Village- Barwat Sena, Ps. Bettiah Muffasil, Dist. West Champaran
2. Dharmendra Mahto S/O Devan Mahto R/O Village- Barwat Sena, Ps. Bettiah Muffasil, Dist. West Champaran
3. Chandeshwar Mahto S/O Deva Mahto R/O Village- Barwat Sena, Ps. Bettiah Muffasil, Dist. West Champaran
4. Urmila Devi W/O Rajesh Mahto R/O Village- Barwat Sena, Ps. Bettiah Muffasil, Dist. West Champaran
5. Bbita Devi W/O Chandreshwar Mahto R/O Village- Barwat Sena, Ps. Bettiah Muffasil, Dist. West Champaran
6. Meghu Mahto S/O Late Gulab Mahto R/O Village- Barwat Sena, Ps. Bettiah Muffasil, Dist. West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Anant Kumar Mishra, learned counsel for the petitioners and Mr. Mohammad Sufyan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bettiah Muffasil P.S. Case No. 440 of 2023, F.I.R. dated 04.07.2023 for the offences punishable under Sections 323, 324, 379, 380, 354(B) and 504/34 of the Indian Penal Code.



3. According to prosecution case, petitioners are said to have assaulted the informant and her daughter. It is further alleged that the petitioners tried to outrage the modesty of the daughter of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He submits that the present case is a counterblast of the Bettiah (Muffasil) P.S. Case No. 250 of 2023 lodged by the petitioner no.4 against the informant and her daughter. He further submits that informant is mother of petitioner nos. 1, 2 & 3 and mother-in-law of the petitioner nos. 4 & 5. He further submits that from 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 general and omnibus allegation against the petitioners. He submits that as per instructions opined by the doctor the injuries found upon the informant and her daughter are simple in nature.

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

6. Considering the aforesaid facts and circumstances, let the petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 440 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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