

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83993 of 2023**

Arising Out of PS. Case No.-151 Year-2023 Thana- PARASBIGHA District-
Jehanabad

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Surendra Prasad SON OF LATE RAM VILASH MAHTO R/O VILLGE-
AMAIN, P.S.- PARASBIGHA, DIST.- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Bhaskar Shankar, learned counsel for the

petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Parasbigha P.S. Case No. 151 of 2023 registered for the
offence under Sections 323, 341, 307, 302, 120(B), 504, 506/34
of the Indian Penal Code and Section 27 of the Arms Act.

According to the prosecution, all of a sudden all 8 F.I.R.,
named accused persons including the petitioner surrounded the
informant and his son and both were abused by the petitioners
and on protest, the informant has been assaulted with rod on his
head and thereupon, wife of the informant and his son has also
been assaulted by the accused persons. The son of the informant
is said to have been killed by the accused persons.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that the present occurrence took place on account of a minor dispute raised during playing cricket. He further submits that it appears from the F.I.R. that the specific allegation of firing is attributed to the co-accused, Dharamvir Mahto and the petitioner happens to be father of Dharamvir Mahto. He further submits that the petitioner has not participated in the alleged occurrence in any manner neither any allegation of assault or overt act is attributed to the petitioner. Moreover, co-accused, Pratima Kumari, having more or less similar allegation has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.11.2023 passed in Cr. Misc. No. 65461 of 2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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, Jehanabad in connection with Parasbigha P.S. Case No. 151 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as



also with the following conditions:-

(1) 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.

(2) 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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