

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86253 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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Dharam Raj Mahto @ Dharamnath Mahto s/o Late Sheo Nath Mahto R/o-
Sihorwa Pandey Tola, P.S-Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Sangrampur P.S. Case No.197 of 2023 registered for the offences punishable under Sections 341, 342, 323, 324, 307, 325, 308, 379 and 504/34 of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the petitioner along with other co-accused persons allegedly assaulted one Ramdeo Mahto by ‘Dab’ on his head due to which he sustained head injury.

4. Learned counsel for the petitioner submits that there are general and omnibus allegations against 9 named

accused persons in the FIR and so far as the present petitioner is concerned, the alleged injury caused by him has been found simple in nature. Learned counsel submits that there is no repetition of blow and contrary to the prosecution story there is a counter case lodged by the son of the petitioner in respect of the alleged occurrence.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case, the submission of learned counsel for the petitioner that there are general and omnibus allegations against 9 named accused persons in the FIR and so far as the present petitioner is concerned, the alleged injury caused by him has been found simple in nature, there is no repetition of blow and contrary to the prosecution story there is a counter case lodged by the son of the petitioner in respect of the alleged occurrence, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Sangrampur P.S. Case No. 197 of 2023, subject

to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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