

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3328 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- PUPRI District- Sitamarhi

Ram Jiwan Mahto S/O Late Gudar Mahto, R/O Village- Parsauni, P.S.- Pupri,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Ashok Kumar Jha, the learned counsel

for the petitioner and Mr. Anil Kumar Singh No. 1, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pupri PS Case No. 369 of 2023, FIR dated
28.08.2023, registered for the offences punishable under
Sections 341, 323, 307 and 504 read with Section 34 of the
Indian Penal Code and later on Section 302 of IPC was also
added.

3. According to prosecution case, the co-accused
persons along with the petitioner came to field of the informant
and started abusing him and his father and also inquired about
why the informant sold a certain piece of land. Later on they
starting assaulting the father of the informant by means of *lathi*
due to which he suffered injuries on his head and became

senseless.

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 upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the specific allegation of assault is against co-accused persons namely, Amar Mahto and Tarkesi Mahto. At best, the petitioner may be considered as the member of the mob.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no specific allegation of assault or overt act against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi, where the case is pending in connection with **Pupri PS Case No. 369 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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)

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