

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3593 of 2024

Arising Out of PS. Case No.-384 Year-2020 Thana- RIVILGANJ District- Saran

1. Prakash Pandey Son Of Shambhu Pandey Resident Of Vill- Auli, P.S.- Rivilganj, Distt- Saran At Chapra
2. Guddu Mahto Son Of Seth Mahto Resident Of Vill- Auli, P.S.- Rivilganj, Distt- Saran At Chapra
3. Bihari Mahto Son Of Umashankar Mahto Resident Of Vill- Auli, P.S.- Rivilganj, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rajani Kumari, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mrs. Rajani Kumari, learned counsel for the petitioners and Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rivilganj P.S. Case No. 384 of 2020, F.I.R. dated 20.10.2020 for the offences punishable under Sections 144, 188, 332, 333 and 353 of the Indian Penal Code.

3. According to prosecution case, due to an accident a 15 years old girl died and for this all the accused persons including the petitioners blocked the road, created hindrance and also obstructed the Government officials to discharge their



duty.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation levelled against the petitioners along with 30-40 persons. He further submits that similarly situated other co-accused persons, namely, Ratnesh Kumar and others have already been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 21.09.2022 passed in Cr. Misc. No. 21132 of 2022.

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

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 A.D.J. XI, Saran at Chhapra in connection with Rivilganj P.S. Case No. 384 2020, 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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