

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17333 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- GOH District- Aurangabad

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1. Shyam Bihari Mahto S/O Late Bhabhikshan Mahto R/O Village- Jamuain, P.S- Goh, Distt.- Aurangabad.
 2. Pundev Mahto S/O Late Bhabhikshan Mahto R/O Village- Jamuain, P.S- Goh, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate
For the State : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr. Ashok Singh, learned counsel for the petitioners as well as Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Goh P.S. Case No. 334 of 2024, F.I.R. dated 14.11.2024 for the offences punishable under Sections 191(2)/ 191(3)/ 190/ 126(2)/ 117(2)/ 115(2)/ 118(1)/ 109/ 303(2)/ 351(2)/ 352 of the B.N.S., 2023.

3. According to prosecution case, the petitioners along with other co-accused persons armed with sword, pistol, khanti etc., and started abusing and threatening the informant. Some co-accused persons assaulted the informant and his cousin. It is further alleged that one of the co-accused persons fired from his



pistol.

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 although, the petitioners are named in the FIR, but from perusal of the FIR, it appears that the specific allegation of assault has been attributed against the co-accused persons, namely, Vishal Mahto, Basant Mahto, Mukesh Ram, Rohit Mahto and Bigan Chaudhary. No specific allegation of assault has been attributed against the petitioners. At best, the petitioners are the members of the mob.

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

6. Considering the aforesaid facts and circumstances, clean antecedent of the petitioners and the fact that no specific allegation of assault has been attributed against the petitioners, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in connection with Goh P.S. Case No. 334 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS,



2023 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 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 bond 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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