

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25270 of 2025

Arising Out of PS. Case No.-313 Year-2024 Thana- BALIYA District- Begusarai

1. Raman Mahto @ Raman Kumar S/O Mahesh Mahto R/O Village- Paharpur, P.S- Balia, Distt.- Begusarai.
2. Vakeel Mahto @ Vakil Mahto S/O Late Modan Mahto @ Late Modo Mahto R/O Village- Paharpur, P.S- Balia, Distt.- Begusarai.
3. Jalo Mahto S/O Narayan Mahto R/O Village- Paharpur, P.S- Balia, Distt.- Begusarai.
4. Ghina Mahto @ Dhina Mahto S/O Narayan Mahto R/O Village- Paharpur, P.S- Balia, Distt.- Begusarai.
5. Gaurav Kumar S/O Sukho Mahto R/O Village- Paharpur, P.S- Balia, Distt.- Begusarai.
6. Subuk Mahto @ Subhuk Mahto @ Sumuk Mahto S/O Mahesh mahto R/O Village- Paharpur, P.S- Balia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2025 Heard Mr. Shubhesh Pandey, learned counsel for the petitioners and Mr. Anant Kumar 1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ballia P.S. Case No. 313 of 2024, F.I.R. dated 17.09.2024 for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 351(3), 76, 303(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.



3. According to prosecution case, all these petitioners armed with lathi and danda have assaulted to the informant and her husband and also committed theft of ornaments and cash kept in the house of the informant and have threatened them for dire consequences.

4. Learned counsel for the petitioners submits that petitioner no. 5 has clean antecedent, petitioner no. 1, 2, 3 and 6 carries two criminal antecedents each and petitioner no. 4 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. Although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that both the parties are agante to eachother. Apart from that the date of occurrence as alleged in the F.I.R is 12.09.2024 but the present F.I.R has been instituted on 17.09.2024 i.e., after delay of 7 days without giving any explanation of the said delay.

5. Learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that there is no specific allegation against the petitioners rather there is general and omnibus allegation against all the accused persons including these 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 Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 313 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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