

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28669 of 2025

Arising Out of PS. Case No.-167 Year-2024 Thana- GHOSWARI District- Patna

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Golu Mahto @ Golu Kumar S/O Saro Mahto @ Sarvesh Choudhary @
Savesh Choudhary R/O Village- Karkayan, P.S- Ghoshwari, Distt.- Patna.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate
For the State : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-08-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Ghoshwari P.S. Case No. 167 of 2024 for the offence punishable under sections 126(2), 115(2), 117(2), 109, 352, 3(5) of the BNS lodged on 17.08.2024 by the informant, Dilip Kumar.

3. It is the case of the petitioner that while the informant was irrigating his land, the accused persons came claiming the land to be theirs. Upon asking them to produce papers, they started abusing and thereafter, assaulted indiscriminately which resulted into injury, both to him as also his brothers, they were taken to Primary Health Centre, Ghoswari and then one of the brother was referred to P.M.C.H. considering that he was in a critical condition. This led to the FIR.



4. In this case, earlier, a report was called for from the Trial Court which is on record dated 19.07.2025. According to it, the trial is delayed because one of the accused Nitish Kumar who was granted bail has chosen not to appear, as such, his bail bond has been cancelled. It is to be noted that Nitish Kumar @ Nitish Mahto was granted bail in Cr. Misc. No. 79464 of 2024 vide order dated 19.11.2024 and now the report shows that he has absconded/not appearing before the Trial Court.

5. Learned counsel for the petitioner submits that an undertaking has been given that in case, he fails to appear, immediately, his bail bond be cancelled. There is general and omnibus allegation and as recorded above, similarly situated some others have been extended relief.

6. Learned APP opposes the prayer for bail and submits that allegation against him is that he indiscriminately assaulted the victim causing injuries one of which was found to be grievous in nature.

7. Having heard the parties and after perusing the trial Court report as also the fact that the petitioner is in custody since 10.08.2024, the trial is not likely to be taken up, an undertaking has been given that he shall be diligently appearing in the trial, in that background, this Court is inclined to extend



him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Barh, Patna, in connection with Ghoshwari P.S. Case No. 167 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and at the end, the certificate be submitted before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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