

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25360 of 2025

Arising Out of PS. Case No.-202 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Shubham Kumar @ Rishikesh Kumar S/O Shankar Mahto R/O Village-
Khoksha, P.S- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-04-2025 Heard Mr. Dilip Kumar Roy, learned counsel for the
petitioner and Mr. Mohammad Arif, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dalsingsarai P.S. Case No. 202 of 2023, F.I.R. dated 01.05.2023 registered for the offences punishable under Sections 143, 323, 341, 354(B), 307, 325, 379, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons having armed with, danda, spear, spade, iron rod assaulted the informant and her husband causing injuries to them. Further allegation against the petitioner is of threatening the son of the informant by showing pistol.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the present case is counter blast of Dalsingsarai P.S. Case No. 199 of 2023 filed by the accused person and from perusal of the F.I.R. it transpired that the date of occurrence as alleged in the F.I.R. is 28.04.2023 but the present F.I.R. was instituted on 01.05.2023 after delay of about three days without giving any explanation of delay and apart from that it transpired from the F.I.R. that the petitioner is only owner of the tractor and he has no role at all in the present occurrence and the specific allegation of assault is attributed against co-accused persons namely Saket Mahto, Sunil Mahto and Kundan Kumar. He further submits that co-accused persons namely Saket Kumar @ Saket Mahto, Vipin Mahto @ Vipin Kumar, Kundan Kumar and Revti Mahto @ Rebati Mahto have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 08.05.2024 in Cr. Misc. No. 13319 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case



and the fact that there is no specific allegation of any assault or overt act against the petitioner and he is owner of the tractor in question as well as other co-accused persons have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Dalsingsarai, District- Samatipur in connection with Dalsingsarai P.S. Case No. 202 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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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