

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30620 of 2025

Arising Out of PS. Case No.-264 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Ram Babu Mahto S/o- Yogendra Mahto Village- Pipra Ps- Darpa District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2025 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner and Mrs. Suman Kumari Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Chhauradano P.S. Case No. 264 of 2024, F.I.R.
dated 26.10.2024 for the offences punishable under Sections 49,
109, 118(2) and 352 of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, 7-8 miscreants
including this petitioner came on bike and on the petitioner's
order the co-accused, Monu Kumar has fired upon the informant
due to which he has received gun shot injury.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. Although the petitioner is named in the F.I.R and the allegation against him is that he is the order giver and the specific allegation of firing is against the co-accused, namely, Monu Kumar that he has fired upon the victim and apart from that the other co-accused were also accompanying the co-accused, Monu Kumar. He further submits that due to admitted land dispute between the parties, the present occurrence has taken place.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of firing against the petitioner, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Chhauradano P.S. Case No. 264 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. 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.

ii. If the petitioner 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 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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