

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39982 of 2025

Arising Out of PS. Case No.-688 Year-2024 Thana- BARH District- Patna

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1. Daya Devi W/o sri Vijay Mahto R/o vill - Jalgovind, P.S. - Barh, Distt.- Patna
 2. Rahul Kumar@Subham Raj S/o Sri Vijay Mahto R/o vill - Jalgovind, P.S. - Barh, Distt.- Patna
 3. Ritesh Kumar S/o Sri Vijay Mahto R/o vill - Jalgovind, P.S. - Barh, Distt.- Patna
 4. Vijay Mahto S/o Late Vimal Mahto R/o vill - Jalgovind, P.S. - Barh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Manglam, Advocate
For the Informant	:	Mr. Rakesh Bihari Singh, Advocate
For the Opposite Party/s	:	Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2025 Heard Mr. Kumar Manglam, learned counsel for the petitioners, Mr. Rakesh Bihari Singh, learned counsel for the Informant and Mrs. Anita Kumari, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Barh P.S. Case No. 688 of 2024, F.I.R. dated 20.09.2024 registered for the offences punishable under Sections 126(2), 115, 109, 352, 351(2) and 3(5) of the B.N.S., 2023.

3. Allegation against the petitioners is that they along with other co-accused persons having armed with lathi, iron rod



etc. came to the house of the informant and assaulted to the informant's husband due to which he sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case and due to previous dispute, the present occurrence had taken place. He further submits that 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 of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioners and submits that petitioners are named in the F.I.R. and the injuries inflicted upon the injured persons are grievous in nature and apart from that the petitioners carries one more case other than the present one.

6. Considering the aforesaid facts that there is no specific allegation of any assault or overt act against these 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 their 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, Barh, Patna in connection with Barh P.S. Case No. 688 of 2024, 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) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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