

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47465 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- MAHINDWARA District- Sitamarhi

Pawan Mahto @ Pawan Kumar S/o Sheojee Mahto R/o vill - Morang, P.S. - Mahindwara, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Arvind Kumar, learned counsel for the petitioner as well as Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahindwara P.S. Case No. 103 of 2024, F.I.R. dated 05.08.2024 for the offences punishable under Sections 329(4), 115(2), 74, 118(1), 303(2), 352 of the B.N.S., 2023.

3. According to prosecution case, the petitioner came to the house of the informant and tried to outrage her modesty. It is further alleged that he is said to have assaulted the informant and her mother-in-law due to which they got injured and took away some ornaments from the possession of the informant and her mother-in-law.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has 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 petitioner has not committed any offences as alleged in the F.I.R. It appears from the FIR itself that the date of occurrence has alleged in the FIR is 03.08.2024 but the present FIR has been instituted on 05.08.2024 i.e. after delay of two days without giving any explanation for delay and apart from that there is specific allegation against the petitioner that he has assaulted the injured person but injury report of the injured person suggests that the injury is simple in nature.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, injury inflicted on injured person is found to be simple in nature and the present FIR has been instituted after delay of two days, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sitamarhi in connection with Mahindwara P.S. Case No. 103 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure/ 482(2) of the BNSS, 2023 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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