

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48311 of 2025

Arising Out of PS. Case No.-380 Year-2024 Thana- SAKRA District- Muzaffarpur

1. Avinash Kumar @ Abhishek Kumar Son of Tribhuwan Mahto Resident of Village - Khaspatti, Yadunathpur, P.S. - Sakra, District - Muzaffarpur
2. Anmol Kumar son of Tribhuwan Mahto Resident of Village - Khaspatti, Yadunathpur, P.S. - Sakra, District - Muzaffarpur
3. Mithlesh Mahto @ Mithlesh Kumar @ Mithilesh Kumar Mahato Son of Tribhuwan Mahto Resident of Village - Khaspatti, Yadunathpur, P.S. - Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Adarsh Ranjan, learned counsel for the petitioners and Mrs. Renuka Ratnakar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sakra P.S. Case No. 380 of 2024, F.I.R. dated 22.07.2024 for the offences punishable under Sections 126(2), 115, 118(2), 109 and 3(2) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all these petitioners in a drunken stated over a petty dispute brutally assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the F.I.R that although the petitioners are named in the F.I.R but there is no specific allegation of assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and it appears from the impugned order itself that despite indulgence granted to the prosecution, the prosecution has not produced any injury report which suggest that no injury was found on the injured person.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is general and omnibus allegation against all the accused persons including these petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East, Muzaffarpur in connection with Sakra P.S. Case No. 380 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. 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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