

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61559 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- CHHAURADANO District- East
Champaran

1. Deepak Kumar Son of Ramyad Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
2. Ramyad Mahto Son of Devki Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
3. Bhunesh Mahto @ Bhunesh Prasad Kumar Son of Satyanarayan Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
4. Bindeshwari Prasad @ Bindeshwari Mahto Son of Ayodhya Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
5. Shyamakant Mahto Son of Bhuneshwar Prasad R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
6. Pramod Mahto Son of Chandradev Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
7. Ajay Kumar @ Ajay Prasad Son of Yogi Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
8. Saroj Kumar @ Saroj Prasad Son of Pramod Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
9. Vijay Kumar @ Vijay Prasad Son of Yogi Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
10. Sandu Kumar @ Santu Kumar @ Santu Prasad Kushwaha Son of Chandradev Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari
11. Sewak Kumar Son of Vishwanath Mahto R/o village - Hanuman Nagar, P.S.- Chhauradano (Mahuawa), District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2025 Heard Ms. Ranjana Srivastava, learned counsel for the
petitioners and Mr. Ahmad Ali, learned APP for the State.



2. Learned counsel for the petitioners seek permission to withdraw the petition with respect to petitioner no. 2, namely, Ramyad Mahto.

3. Permission is accorded.

4. The bail application with respect to petitioner no.2, namely, Ramyad Mahto is dismissed as withdrawn.

5. The petitioners (except petitioner no. 2) are apprehending their arrest in connection with Chhauradano (Mahuawa) P.S. Case No. 114 of 2024, F.I.R. dated 12.05.2024 registered for the offences punishable under Sections 341, 342, 323, 324, 354, 354(B), 354(A), 509, 379, 504 and 506/34 of the Indian Penal Code.

6. Allegation against the petitioners is that they used to make lewd comments and teased with the informant's daughter and also gave threatening to viral her photo on mobile.

7. Learned counsel for the petitioners submits that the petitioner nos. 3, 4, 5, 7, 9 and 10 having clean antecedents and petitioner nos. 1, 6, 8 and 11 carry one more criminal antecedent and they have been falsely implicated in the present case. He further submits that the allegations as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. 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 against the petitioners



rather there is general and omnibus allegations against all the accused persons including the petitioners.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no. 2).

9. Considering the facts and circumstances of the case, let the petitioners (except petitioner no. 2), 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Chhauradano (Mahuawa) P.S. Case No. 114 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 (except petitioner no. 2) 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 reasons, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no. 2) 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 (except petitioner no. 2) and in case at any stage, it is found that the petitioners (except petitioner no. 2) 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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