

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69155 of 2024

Arising Out of PS. Case No.-298 Year-2024 Thana- MOTIHARI TOWN District- East
Champanan

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1. Rakesh Mahato @ Rakesh Kumar Son of Veera Mahato @ Bira Mahato
Resident of Village - Ward No. 16, Kolhuarwa, P.S. - Motihari Town,
District - East Champanan
 2. Vicky Mahato @ Vikash Kumar Son of Veera Mahto @ Bira Mahto
Resident of Village - Ward No. 16, Kolhuarwa, P.S. - Motihari Town,
District - East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Sujeet Kumar , learned counsel for the

petitioners and Ms. Asha Devi learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Town P.S. Case No. 298 of 2024, F.I.R. dated
25.05.2024, for the offences punishable under Sections 341,
323, 504, 506, 324, 307, 379, 427 and 34 of the I.P.C.

3. According to prosecution case, petitioners
alongwith other co-accused persons started assaulting and
abusing the informant due to which he sustained injury on his
head and fell down on the ground.

4. Learned counsel for the petitioners submits that
petitioners have falsely been implicated in the present case.
There is a case and counter case between the parties. Although,



there is specific allegation against the petitioners that they have assaulted the informant and one Chotu Kumar. Although, informant and said Chotu Kumar have received the injury, but from bare perusal of the injury report of the informant (Rohit Kumar) and Chotu Kumar which suggests that the injuries are simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and there is specific and direct allegation against the petitioners and apart from that the petitioners carry one more criminal antecedent other than the present but fairly submits in paragraph-3 of the bail petition that the petitioners are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and nature of allegation 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Motihari, District-East Champaran, in connection with Town P.S. Case No. 298 of



2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023and 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 bonds shall be cancelled by the Court below.

ii. If the petitioners tamper 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 antecedents 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 bonds 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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