

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75936 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- BAJPATTI District- Sitamarhi

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1. Guddu Kumar Son of Chandeshwar Mahto Resident of village- Bachopatti Narha, Ward no. 9, P.S.- Bajpatti, District- Sitamarhi
 2. Ganesh Mahto Son of Gopal Mahto Resident of village- Bachopatti Narha, Ward no. 9, P.S.- Bajpatti, District- Sitamarhi
 3. Ramesh Mahto @ Ramesh Kumar Mahto Son of Gopal Mahto Resident of village- Bachopatti Narha, Ward no. 9, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Mishra, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mr. Ranjeet Kumar Mishra, learned counsel

for the petitioners and Mr. Ram Priya Sharan Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bajpatti P.S. Case No. 86 of 2024, F.I.R. dated 28.03.2024 for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 354, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons have assaulted to 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. He further submits that from a bare perusal of the FIR it appears that due to some petty dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that although there is specific allegation against the petitioners that they have assaulted to the informant and his family members. He further submits that although the informant and his family members have received the injury but injury report of the informant and Sanjay Kumar suggests that the injury is simple in nature and apart from that co-accused persons, namely, Brajesh Kumar @ Brajesh Mahto, Mahendra Mahto, Gopal Mahto and Bhogendra Mahto against whom the similar allegation have been granted the privilege of anticipatory bail by this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 52230 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners have clean antecedent, injury inflicted upon the injured persons



is found grievous in nature and co-accused persons have been granted the privilege of anticipatory bail by this Court, 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 Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S. Case No. 86 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of B.N.S.S., 2023 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 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 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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