

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82893 of 2025

Arising Out of PS. Case No.-601 Year-2021 Thana- DHAKA District- East Champaran

Jailal Mahto @ Jaylal Prasad S/O Ramlakshan Mahto R/O Village-
Kushwanshi Nagar ,P.S.-Dhaka, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2025 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Dhaka P.S. Case No. 601 of 2021, registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302, 380, 427, 435, 504 and 354(B) of the Indian Penal Code.

3. The allegation against the petitioner is of causing assault to the informant and others by means of *lathi*, *danda* and other weapons along with other eleven accused persons.

4. Learned Advocate for the petitioner, at the outset, submitted that the entire case falls to the ground against the petitioner for the simple reason that during the course of investigation, no material has come against the petitioner and the petitioner has not sent up for trial. The final report against



the petitioner was duly accepted, however, later on, in course of trial, an application has been filed under Section 319 of the Cr.P.C., and accordingly, the learned trial Court has issued summon against the petitioner. Hence, necessity for anticipatory bail arises. Learned Advocate for the petitioner submitted that besides the fact the petitioner bears fair antecedent, he undertakes before this Court that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the complicity of the petitioner has transpired during the course of trial, when the deposition of the witnesses have been recorded.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the petitioner has been summoned on an application filed under Section 319 of the Cr.P.C. by the prosecution and prior to that, the petitioners was not even sent up for trial, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Additional Session Judge-IV, East Champaran at Motihari in connection with Dhaka P.S. Case No. 601 of 2021, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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