

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29330 of 2017**

Arising Out of P.S.Case No. -100 Year- 2017 Thana -BUXAR MUFFSIL District- BUXAR

- =====
1. Panchdev Mahto Son of Sigashan Mahto
  2. Sonu Mahto Son of Sudarshan Mahto
  3. Santosh Kushwaha Son of late Sastanand Kushwaha @ Sarutanand Kushwaha All Resident of Village- Pandepatti, Police Station- Buxar (Mufassil), District Buxar.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Rahul Nath, Advocate

For the Opposite Party : Smt. Asha Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      01-07-2017

Heard.

The informant in his written report has stated that his nephew was married on 13.05.2017. After three days the relatives of daughter-in-law came for Kalewa and while they were returning to their house, the accused persons assaulted them by lathi and snatched Rs.5,000/- and a mobile phone from their possession. They also misbehaved with a village girl.

The learned counsel for the petitioners submits that the allegation of assault, snatching mobile phone and cash amount of Rs.5,000/- is false. There is no specific allegation against any of the petitioners. The alleged victim of this case has not filed the case which makes the prosecution version suspicious. It is not



probable that three persons would assault six persons. In the alleged occurrence, nobody sustained injury and so the petitioners deserve anticipatory bail.

The learned APP opposed the submissions.

On perusal of written report as well as the impugned order, I find that there is no specific allegation against any of them. The allegation of assault and taking money is omnibus. In the written report, the informant has not mentioned the name and manner of assault committed on the victim girl.

In view of the aforesaid facts, let the above named three petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Buxar (M) P.S. Case No.100 of 2017 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of ACJM-V, Buxar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sanjay Kumar, J)**

B.Kr./-

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