

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16676 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- BAUSI District- Araria

1. RAJENDRA MAHTO Male, aged about 55 years, Son of Sri Lal Mahto
2. Sushma Devi, Female, aged about 50 years, wife of Rajendra Mahto
3. Kari Kumari, Female, aged about 19 years, D/o Rajendra Mahto
4. Ajay Mahto, Male, aged about 25 years, son of Rajendra Mahto
5. Nandan Devi, Female, aged about 25 years, wife of Suraj Mahto
6. Chandeshwari Mahto, Male, aged about 60 years, son of Late Shibu Mahto
7. Ranjan Mahto, Male, aged about 30 years, son of Chandeshwari Mahto
8. Rajesh Mahto, Male, aged about 35 years, son of Natho Mahto
All Resident of village- Farkiya, P.S. - Bousi, District - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioners. No one appears on behalf of the State.

The petitioners are seeking anticipatory bail in connection with Bousi P.S. Case No. 137/2018 (G.R. No. 3344/2018) registered under Sections 341, 323, 325, 354(B), 380, 448, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the present case has been lodged in respect of the occurrence which allegedly took place on 09.10.2018. There are general and omnibus allegation against the accused persons that they came



at the house of the informant with arms and assaulted her causing fracture in her right hand and that the accused person took away Rs. 10,000/-. It is submitted that the F.I.R. for the alleged occurrence has been lodged after about 12 days on 21.10.2018 only to falsely implicate these petitioners for the reason that brother of the petitioner no. 1 had lodged one F.I.R. against the informant's side on 16.10.2018 for an occurrence which had taken place on 10.10.2018. It is submitted with reference to Annexure-2 that the F.I.R. lodged by brother of petitioner no. 1 was lodged on 16.10.2018 whereas the present F.I.R. has been lodged five days thereafter. It is thus submitted that there being no specific allegation against the petitioners and the F.I.R. being counterblast of the case lodged by the brother of petitioner no. 1, privilege of anticipatory bail may be allowed to the petitioners.

Considering the facts and circumstances of the case particularly that the case in question has been lodged 12 days after the alleged occurrence and that prior to that brother of petitioner no. 1 lodged one F.I.R., in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand



only) each with two sureties of the like amount each to the satisfaction of learned Chief Justice Magistrate, Araria, in connection with Bousi P.S. Case No. 137/2018 (G.R. No. 3344/2018), subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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