

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9534 of 2019

Arising Out of PS. Case No.-262 Year-2018 Thana- BIBHUTIPUR District- Samastipur

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1. RAM KHELAWAN MAHTO, Son of Late Janak Mahto
 2. Sanjeet Kumar, Son of Ram Khelawan Mahto
- Both R/o village- Vibhutipur , Ward No. 05, P.S- Vibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Vibhutipur P.S. Case No. 262 of 2018 registered for the offences punishable under Sections 109, 147, 148, 149, 186, 307, 323, 324, 332, 337, 353, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a case of false implication of the petitioners for the reasons stated in the present application. One of the reasons is that the son of the petitioner no.1 namely Ranjeet Kumar had objected to the irregularity in the appointment on the post of Anganwari Sevika



and for that he had started hunger strike in the campus of Bibhutipur Block and Committe was constituted by the Sub-Divisional Magistrate, Rosera to enquire into the matter. Further it is stated that the elder son of petitioner no.1 had sought information under RTI Act from the then officer in-charge, Bibhutipur police station with regard that as to how many unclaimed articles were auctioned since 2005 and since January how many children were admitted in different school at the level of police station till date . It is for all these reasons that the police authorities hatched conspiracy to involve the entire family members. It is submitted that the son of the petitioner no.1 has filed a complaint against the then S.H.O., Bibhutipur police station and other police personnel which is giving rise to Bibhutipur P.S. Case No.232 of 2015. Further as regards the allegations against the petitioners, learned counsel submits that there is no question of assault against these petitioners. It is submitted that the allegation that petitioner no.2 was in drunken condition cannot be believed as no incriminating material could be collected from the house in question. It is further submitted that in the FIR although it is alleged that the informant was assaulted, but no injury was caused to the informant and only injury noticed by the member of the police party is simple in



nature which has been attributed to other accused.

Learned APP for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the case, nature of the allegations, case and counter case and that there is no specific allegation of assault against the petitioners, in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Rosera, District-Samastipur in connection with Vibhutipur P.S. Case No. 262 of 2018, G.R. No.885 of 2018, subject to the condition that petitioners shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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