

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52578 of 2019

Arising Out of PS. Case No.-264 Year-2019 Thana- PURNEA SADAR District- Purnia

1. JITENDRA MAHTO S/o Late Lakhan Mahto R/o village- Naya Tola, Basant Bagh, P.S.- Sadar, District- Purnea
2. Sunita Devi W/o Jitendra Mahto R/o village- Naya Tola, Basant Bagh, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sadar Police Station Case No. 264 of 2019, disclosing offences under Sections 341/323/325/353/506/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report lodged by the A.S.I. of Sadar Police Station, is that the police party was informed by one Vishwakarma Kumar Mahto that the petitioners, along with others were assaulting him and his bhabhi. Upon such information, the police party reached near the place of occurrence and saw that



Vishwakarma Kumar Mahto as well as Munni Devi was lying unconscious and the petitioners and others were insisting that Munni Devi is a woman of bad character and they would kill her. When the police party tried to stop the petitioner and others, they started quarreling with the police party and threatened them to implicate in the false case. It has further been alleged that they confined homeguard constables in their custody.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as the petitioner no. 1 and the said Vishwakarma Kumar Mahto are own brothers and the petitioners objected the illicit relation of Vishwakarma Kumar Mahto with Munni Devi, who is also a distant relative of the petitioners. He further submits that Vishwakarma Kumar Mahto, in connivance with the police party, has falsely implicated the petitioners in this false case. He further submits that the petitioner no. 2 is 20 years old and wife of petitioner no. 1.

After having heard learned Counsel for the parties and taking into consideration the fact that no injury has been caused to the police party and the allegation made against the petitioners are general and omnibus in nature and the petitioners have got no criminal antecedent, I am inclined to grant the



petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Purnea, in connection with Sadar Police Station Case No. 264 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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