

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69374 of 2019

Arising Out of PS. Case No.-181 Year-2019 Thana- RIVILGANJ District- Saran

1. Mokhtar Mahto S/o Late Shivpujan Mahto R/o village- Godana Brahma Toli, P.S.- Revelganj, District- Saran at Chapra
2. Bihari Mahto S/o Sri Mokhtar Mahto R/o village- Godana Brahma Toli, P.S.- Revelganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in connection with Revelganj P.S. Case No. 181 of 2019 registered for the offence punishable under Sections 341, 323, 324, 379, 354 and 504/34 of the Indian Penal Code.

Petitioners are said to have been vending liquor in their house located adjacent to the house of the informant creating nuisance in the locality and to the informant, and on protest made by the informant, petitioners slating her shoved her on the ground holding her hair and fisted her. In the meantime, other two named accused persons also arrived there and



assaulted her inflicting injury below her right eye. Petitioner Bihari Mahto also snatched her *Mangal Sutra*.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners happen to be *Pattidar* of the informant and they have been falsely implicated in this case over some petty dispute ensued between the women folk of their families. Allegation levelled against the petitioners is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Petitioners do not vend liquor in their house or in the locality. There has been inordinate delay of seven days in filing the complaint petition without assigning any plausible explanation for the said delay. Petitioners have no criminal antecedent, hence, they may be enlarged on bail.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran



at Chapra in connection with Revelganj P.S. Case No. 181 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with further condition that the petitioners will not vend liquor in the locality else the learned court below shall be at liberty to cancel their bail bond.

(Prakash Chandra Jaiswal, J)

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