

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7547 of 2020

Arising Out of PS. Case No.-455 Year-2019 Thana- KESARIA District- East Champaran

1. CHHATHU MAHATO Son of Visahar Mahto Resident of Village - Mahmmadpur, P.S.- Keshariya, Distt.- East Champaran, Motihari.
2. Ranjit Mahto Son of Chhathu Mahato Resident of Village - Mahmmadpur, P.S.- Keshariya, Distt.- East Champaran, Motihari.
3. Seema Devi, wife of Ranjit Mahato Resident of Village - Mahmmadpur, P.S.- Keshariya, Distt.- East Champaran, Motihari.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Kesariya P.S. Case No. 455/2019 registered under Sections 341, 323, 324, 307, 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is general and omnibus allegation against the petitioners as they have been falsely implicated in this case. Learned counsel further submits that so far as petitioner no. 1 and 3 are concerned, neither any weapon



has been attributed to them in their hand nor there is any specific allegation against them of causing assault to the informant and petitioners have no criminal history.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that so far as petitioner no. 1 and 3 are concerned, neither any weapon has been attributed to them in their hand nor there is any specific allegation of causing assault to anyone against them, though there are general and omnibus allegation that they had also beaten the informant, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioner nos. 1 and 3 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 C.J.M., Motihari, in connection with Kesariya P.S. Case No. 455/2019, subject to condition as laid down under Section 438(2) of



the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

So far as petitioner no. 2 namely, Ranjit Mahato is concerned, in the F.I.R. there are specific allegations of causing repeated assault against him and as such I am not inclined to grant privilege of anticipatory bail to petitioner no. 2.

Prayer for anticipatory bail of petitioner no. 2 is, thus, refused.

In case, petitioner no. 2 surrenders and prays for regular bail in the court below within a period of four



weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the orders of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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