

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19697 of 2020**

Arising Out of PS. Case No.-46 Year-2019 Thana- JURAWANPUR District- Vaishali

1. RAM KRISHAN MAHTO S/o Late Batoran Mahto Resident of Village- Paharpur East, P.S.- Jurawanpur, Distt- Vaishali.
2. Kundan Mahto S/o Ram Krishan Mahto Resident of Village- Paharpur East, P.S.- Jurawanpur, Distt- Vaishali.
3. Rajesh Mahto S/o Ram Krishan Mahto Resident of Village- Paharpur East, P.S.- Jurawanpur, Distt- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 06-10-2020 Heard learned counsel for the petitioner and Mr. Nagendra Prasad, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Jurawanpur P.S. Case No.46/2019 registered for the offence under Sections 341, 448, 323, 337, 307 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner no.1 is that he had instigated petitioner nos.2 and 3 to kill the husband of the informant. It is alleged that they started throwing bricks on the informant side, one of the bricks hurled the hand of the



informant and the brick thrown by petitioner no.2 Kundan Mahto hit the scalp of the informant causing injury on her head and she fell down. She was taken to N.M.C.H. for treatment.

Learned counsel for the petitioners submits that both the petitioners and the informant are gotiyas and they seem to have a quarrel on some issues and then the alleged occurrence has taken place but the allegations against the petitioners are false and flimsy and the petitioners deserve privilege of anticipatory bail.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that the injury report of the informant discloses grievous injury on her head and so far as that allegation is concerned, has been specifically made against the petitioner no.2. It is then pointed out to this Court that in course of investigation the accused persons were noticed by the investigating officer in terms of Section 41A Cr.P.C., they appeared and were not arrested after they submitted a bond. It is thus his submission that at this stage the petitioners have no apprehension of arrest. It is however also submitted that in terms of sub-section(3) of Section 41A Cr.P.C. if the police officer is of the opinion that the petitioners ought to be arrested



such powers are vested with the police officer.

This Court finds from paragraph '47' of the case diary that the submission of learned APP for the State is correct. These petitioners were not arrested on appearance before the police and they have executed bond, thus, for the present, they have no apprehension of arrest.

This application is, thus, disposed of with liberty to the petitioners that in case they would have any apprehension of arrest in connection with this case they may file a fresh application.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

