

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10635 of 2020

Arising Out of PS. Case No.-6 Year-2015 Thana- JANKINAGAR District- Purnia

1. Munga Lal Mahto, aged about 52 years, Male, Son of Late Badri Mahto
2. Bhokhi Mahto, aged about 55 years, Male, Son of Late Badri Mahto
3. Din Dayal Mahto, aged about 35 years, Male, Son of Bhokhi Mahto
4. Daya Nand Mahto, aged about 34 years, Male, Son of Bhokhi Mahto
5. Makund Mahto @ Mukund Kumar Mahto , aged about 30 years, Male , Son of Munga Lal Mahto
6. Newalal Mahto, aged about 41 years, Male, Son of Ritlal Mahto,
All are R/o village - Janki Nagar, Tilak, P.S.- Janki Nagar, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-09-2020 Heard Mr. Ajit Kumar Singh, learned counsel for the petitioners, Mr. Lakshmindra Kumar Yadav , learned counsel for the informant and Mr. Akshay Lal Pandit , learned counsel for the State through video conferencing.

Petitioners apprehend arrest in connection with Janki Nagar P.S. Case No. 06 of 2015 registered for the offence punishable under Section 147 , 148 , 149 , 341 , 323 , 324 , 307 , 354 , 379 , 452 , 436 , 504 , 506 of the I.P.C. and Section 27 of the Arms Act.

The allegation against the petitioners is that



petitioners along with other accused persons armed with lathi, bhala, three knot, rifle and other weapons arrived at place of occurrence and assaulted side of the informant also looted 56 bags of paddy, rice, cash, cattles etc. Due to assault by the petitioners and others, three persons received injuries.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to land dispute inasmuch as Basgit Parcha was issued in favour of the side of the petitioners, which side of the prosecution wanted to grab. Learned counsel referring to Annexure – 2 to the petition submits that all the injuries found on the injured persons have been found to be simple in nature.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation against all the petitioners that they along with other accused persons assaulted the side of the informant causing injuries to three persons and also looted articles from place of occurrence. Learned counsel also submits that the F.I.R. was lodged in 2015 and in order to delay the progress of the case, petitioners have moved application for anticipatory bail after lapse of about five years.

Having regard to the submission made by the parties



and taking into consideration the fact that anticipatory bail application has been filed after lapse of about 4 / 5 years from the date of occurrence, I am not inclined to exercise my discretion for grant of anticipatory bail. Accordingly, the same is dismissed.

(Anil Kumar Sinha, J)

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