

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81236 of 2019

Arising Out of PS. Case No.-526 Year-2019 Thana- NAUBATPUR District- Patna

1. ANIL KUMAR @ ANIL MAHTO Son of Rajendra Mahto Resident of Village - Mohamadpur, P.S.- Naubatpur, Distt.- Patna.
2. Tuntun Kumar Son of Chhotan Mahto Resident of Village - Mohamadpur, P.S.- Naubatpur, Distt.- Patna.
3. Tarkeshwar Mahto Son of Laljee Mahto Resident of Village - Mohamadpur, P.S.- Naubatpur, Distt.- Patna.
4. Sujeet Kumar Son of Madheshwar Paswan Resident of Village - Mohamadpur, P.S.- Naubatpur, Distt.- Patna.
5. Jawahar Kumar Son of Late Ram Nath Saw Resident of Village - Mohamadpur, P.S.- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Singh
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioner no. 1 had already been arrested earlier, hence, by an order dated 28.1.2020, the present petition was dismissed as withdrawn qua the petitioner no. 1. It is further



submitted that during the pendency of the present petition, petitioner nos. 2, 4 and 5 have also been arrested, hence, in such view of the matter, the present petition qua the petitioner nos. 2, 4 and 5 stands dismissed as not pressed. Now, the present petition stands confined to only the petitioner no. 3.

This is an application for grant of anticipatory bail in connection with Naubatpur P.S. Case No. 526 of 2019 registered for the offence punishable under Sections 147, 148, 149, 188, 341, 323, 332, 143, 333, 353 and 302 of the Indian Penal Code.

The allegation is regarding 150-200 persons including the petitioner herein, variously armed, having formed an unlawful assembly, whereafter they had assaulted the deceased, who is stated to be a child thief, resulting in the death of the said deceased person.

The learned counsel for the petitioner has submitted that the petitioner no. 3 has been falsely implicated in the present case, he is having a clean antecedent and he has deep roots in the society, as such, he would neither tamper with the evidence nor is likely to skip /abscond the ensuing trial. It is further submitted that a general and omnibus allegation has been levelled against the petitioner and several similarly situated co-accused persons have already been granted the privilege of bail



by coordinate Benches of this Court vide order dated 22.10.2019 passed in Criminal Miscellaneous No. 64196 of 2019, order dated 23.1.2020 passed in Criminal Miscellaneous No. 87115 of 2019 and order dated 23.1.2020 passed in Criminal Miscellaneous No. 86444 of 2019.

Having regard to the facts and circumstances of the case, considering the fact that a general and omnibus allegation has been levelled against the petitioner no. 3 and taking into account the parity of the case of the petitioner no. 3 with those, who have already been granted bail, I deem it fit and proper to enlarge the petitioner no. 3, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Danapur in connection with Naubatpur P.S. Case No. 526 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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