

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1158 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- PANDAUL District- Madhubani

1. GAURI MAHTO @ GOURI MAHTO Son of Nebat Mahto Resident of Village- Pandaul, West Tole, P.S.- Pandaul, Dist- Madhubani.
2. Manoj Mahto S/o Nebat Mahto Resident of Village- Pandaul, West Tole, P.S.- Pandaul, Dist- Madhubani.
3. Tara Devi W/o Late Bhuneshwar Mahto Resident of Village- Pandaul, West Tole, P.S.- Pandaul, Dist- Madhubani.
4. Jomani Devi @ Jamani Devi @ JAMUNI DEVI W/o Jeetan Mahto Resident of Village- Pandaul, West Tole, P.S.- Pandaul, Dist- Madhubani.
5. Sunaina Devi W/o Gauri Mahto Resident of Village- Pandaul, West Tole, P.S.- Pandaul, Dist- Madhubani.
6. Phul Devi @ Phulo Devi @ PHALO DEVI W/o Manoj Mahto Resident of Village- Pandaul, West Tole, P.S.- Pandaul, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2020 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 324, 307,
354, 379, 504, 506, 34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Ram Babu Mahto, recorded by S.I. Mabi Hassain Khan,
Pandaul Police Station on 12.08.2019 at 9.15 P.M., to the effect



that on 11.08.2019 at 7.30 P.M., the informant was parking his motorcycle at his house, but accidentally he blew the horn of the vehicle, upon which, co-accused, Tara Devi started abusing the informant. On protest being made, seven accused persons, including the petitioners, came variously armed and started assaulting the informant and his family members. It is specifically alleged that petitioner no.1, Gauri Mahto @ Gouri Mahto assaulted on the head of the wife of the informant with a farsa while petitioner No.2, Manoj Mahto pulled the sari of the informant's wife. Petitioner No.1 is alleged to have taken away Rs.5000/- cash from the house of the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners. Moreover, the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below, as gets reflected from Annexure-2. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR with specific accusation.

Considering the impugned order which does not suggest any grievous injury to corroborate the accusation of assault and retracted version of the informant coupled with



statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned CJM, Madhubani, in connection with Pandaul P.S. Case No.190 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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