

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24235 of 2020

Arising Out of PS. Case No.-707 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. RAJ BANSHI MAHATO Son of Late Chokat Mahato Resident of Village/
At- Sareya Ward No.1, Police Station- Gopalganj Town, District- Gopalganj.
 2. Rajesh Mahato @ Rajesh Kumar Mahato Son of Rajbanshi Mahato Resident
of Village/ At- Sareya Ward No.1, Police Station- Gopalganj Town, District-
Gopalganj.
 3. Krishna Mahato @ Krishna Kumar Son of Mahangu Mahato Resident of
Village/ At- Sareya Ward No.1, Police Station- Gopalganj Town, District-
Gopalganj.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-01-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners seeks permission
to withdraw this application in respect of petitioner no.1-Raj
Banshi Mahato submitting that during pendency of this
application petitioner no.1-Raj Banshi Mahato has died, as such
this application has become infructuous against petitioner no.1.

Permission is granted.

Accordingly, this application is dismissed as
withdrawn against petitioner no.1.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 324/34 of the Indian Penal Code.

While the informant had gone to his land he saw that petitioners along with other persons having lathi, danda, sword, farsa and iron rod were erecting pillar with the help of labourers. He told to Arjun Mahto as to why they were erecting pillar on his purchased land. Then the accused persons became adamant for mar-pit. The informant reported the matter to the Town police. The patrolling party came there and asked to Arjun Mahto to show the paper of the land. Arjun Mahto started abusing to the informant and gave sword blow causing three injuries on his head. When his younger son Arif came to rescue him, Rajesh Mahto assaulted to Arif by iron rod and he sustained injuries on his head, left hand, back thigh and palm of the right hand. When Arshad Ali came to rescue Arif, then Munna Mahto gave him farsa blow causing injury on his head. Babita Devi snatched Rs.15,000/- from his pocket. When his friend Subhash Mahto tried to rescue him, Krishna Mahto assaulted him by lathi as a result of which she sustained injury on his hand and leg. With the help of local people injured were taken to Sadar Hospital, Gopalganj.



Learned counsel for the petitioners submits that petitioners are quite innocent and have falsely been implicated in this case with a view to capture the land of the defence party. As a matter of fact, the informant is the land Mafia and contractor and he tried his best to capture the land of the defence party. When the defence party protested the same, the prosecution party assaulted the defence party with a view to create defence lodged the present case. It is further submitted that the prosecution party is a powerful, influence persons and they procured the injury report with a view to make out serious case against the prosecution party but the injury report itself falsify the prosecution case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature.

Having regard to the facts and circumstances of the case, let petitioner no.3-Krishna Mahato @ Krishna Kumar, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Gopalganj Town P.S. Case No. 707 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Considering the facts and circumstances of case and particularly considering the fact that as there is direct allegation of assaulting against petitioner no.2-Rajesh Mahato @ Rajesh Kumar Mahato, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.2 is hereby rejected. However, petitioner no.2 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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