

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42982 of 2021

Arising Out of PS. Case No.-142 Year-2021 Thana- BIBHUTIPUR District- Samastipur

1. Birbal Mahto @ Birbahadur Mahto @ Birwal Mahto S/O Late Prameshwar Mahto R/O Village-Alampur, Ward No. 07, P.S-Bibhutipur, District-Samastipur.
2. Dharmendra Kumar S/O Birwal Mahto R/O Village-Alampur, Ward No. 07, P.S-Bibhutipur, District-Samastipur.
3. Pankaj Kumar S/O Birwal Mahto R/O Village-Alampur, Ward No. 07, P.S-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The matter is being taken up out of turn on the mentioning slip filed on behalf of the petitioners enclosing the admit cards of petitioner nos. 2 and 3 who have to appear in a examination. The mentioning slip filed on behalf of the petitioners is kept on record.

The petitioners are apprehending their arrest in a



case registered under Sections 341, 323, 325,, 504, 506, 354/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons misbehaved and tried to outraged the modesty of granddaughter of the informant and on protest, the accused persons assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. For petty reasons, the alleged occurrence is said to have taken place. At best, it is a case for offence under section 325 IPC.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to



the satisfaction of learned A.C.J.M. -II, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 142/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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