

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33244 of 2020

Arising Out of PS. Case No.-374 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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1. Ranjit Mahto, aged 40 years, Son of Bodh Narayan Mahto, Resident of Village- Khokha, P.S.- K. Nagar, (Shri Nagar O.P.), District- Purnia.
 2. Bidhya Nand Mahto, aged 40 years, Male, Son of Late Chalittar Mahto, Resident of Village- Khokha, P.S.- K. Nagar, (Shri Nagar O.P.), District- Purnia.
 3. Ashok Mahto, aged 35 years, Male, Son of Upendra Mahto, Resident of Village- Khokha, P.S.- K. Nagar, (Shri Nagar O.P.), District- Purnia.
 4. Chhote Lal Mahto, aged 38 years, Male, Son of Late Chalittar Mahto Resident of Village- Khokha, P.S.- K. Nagar, (Shri Nagar O.P.), District- Purnia.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Avinash Shekhar, Advocate.
For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2021 Learned counsel for the petitioners is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case

for the offence registered under Sections 341, 323, 379, 354(B),

504 and 506/34 34 of the I.P.C.

The prosecution story, in brief, is that on 14.09.2019



at about 11.00 A.M., the petitioners in furtherance of their common intention of all entered into the house of the informant and started outraging her modesty and also torn her *Blouse* and attempted to commit rape with her but accused persons did not succeed in their aim on account of which, accused persons with intention to kill her started giving *Khanti* blow upon her. During that course, accused persons snatched silver chain, ear-gold ring total worth Rs. 15,000/-. Accused persons extended threat to kill her, if she will lodge a case. It is also stated that there is delay in lodging the case as she was undergoing treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the 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. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the



petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Purnia, in connection with K. Nagar (Srinagar) P.S. Case No. 374 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

