

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32433 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Awadh Mahto, male, aged about 54 years, Son of Horil Mahto.
 2. Rajesh Mahto, male, aged about 26 years, Son of Awadh Mahto.
 3. Bimal Tanti @ Bimlesh Tanti, male, aged about 34 years, Son of Harkhit Tanti.
- All are resident of Village- Samsa, P.S.- Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indrajit Kumar, Adv.
For the Informant	:	Mr. S.K. Lal, Adv.
For the State	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-04-2021 Mr. Indrajit Kumar, learned Advocate for the

petitioners seeks permission to withdraw this application with

respect to petitioner No. 2/Rajesh Mahto as he has been

arrested.

The application with respect to petitioner No. 2 is

dismissed as withdrawn.

Heard Mr. Indrajit Kumar, learned Advocate for the

petitioner Nos. 1 and 3, Mr. S.K. Lal, learned Advocate for

the informant and Mr. Lalan Kumar, learned APP for the

State.



The petitioner Nos. 1 and 3, viz., Awadh Mahto and Bimal Tanti @ Bimlesh Tanti, seek bail in anticipation of their arrest in connection with Naakothi P.S. Case No. 14 of 2020, dated 01.02.2020, instituted for the offences under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

It has been submitted on behalf of the petitioner Nos. 1 and 3 that though they have been named in the F.I.R. but there is no specific accusation against them. The act of firing is attributed upon other accused persons. It has further been submitted that the implication of the petitioner Nos. 1 and 3 is because of political motives as they are said to be the supporters of the opposite camp.

However opposing the aforesaid contention raised on behalf of the petitioner Nos. 1 and 3, the learned counsel for the informant has pointed out that the petitioner No. 1 is an accused in five other cases.

This Court has been informed that two of the accused persons of this case have been granted anticipatory bail by a different Bench of this Court on the ground that



there is no specific accusation against those persons.

Considering the facts afore-stated but taking into account the criminal antecedents of petitioner No. 1/Awadh Mahto, I am not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail of petitioner No. 1 is, accordingly, rejected.

However, if petitioner No. 1 surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

So far as petitioner No. 3/Bimal Tanti @ Bimlesh Tanti is concerned, regard being had to the fact that there is no specific accusation against him and that he does not have criminal antecedents and similarly situated accused persons have been granted anticipatory bail by a Bench of this Court, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Judicial
Magistrate-Ist Class, Begusarai in connection with Naokothi
P.S. Case No. 14 of 2020, subject to the conditions laid
down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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