

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35300 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- PHULWARIA District- Begusarai

1. OM PRAKASH RAY @ OM PRAKASH @ OM PRAKASH MAHTO Son of Late Ramhinta Mahto Resident of Village - Bakhtar Sthan, Phulwaria - 03, P.S.- Phulwaria, District – Begusarai.
2. Raju Mahto Son of Late Ramchinta Mahto Resident of Village - Bakhtar Sthan, Phulwaria - 03, P.S.- Phulwaria, District – Begusarai.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ravindra Kumar, Advocate.
For the State	:	Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-04-2021 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 15.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Phulwariya P.S. Case No.164 of 2019 registered under Sections 147, 341, 323, 307, 379, 504, 506, 324 and 427 of the



Indian Penal Code.

The accusation is that the informant Aklu Mahto in the morning of 23.11.2019 was present at the shop of his nephew. At that time, 10 persons, named in the F.I.R., including the petitioners variously armed with weapons came there and started to abuse. When the informant made protest, then they started to cause assault. When Sanjay Mahto, the nephew of the informant, reached there, he received injury in his left hand. At that time, Anil Mahto caused injury at the head of the nephew of the informant. When Dilip Mahto, the brother of the informant, rushed to save, then Sunil Mahto and Mukesh Mahto caused blood oozing injury at his head. At that time, Vikash Mahto caused injury near the right eye of the informant. Other accused started to damage the shop of the brother of the informant and took cash Rs.3000/- from the cash box. The cause of occurrence is said to be land dispute.

Learned counsel for the petitioners submits that while the petitioners are named in the F.I.R. but no specific overt act has been attributed to them. The petitioners, who have no criminal antecedents, have falsely been implicated in this case due to land dispute and dirty village politics.

Having considered the facts and the circumstances of



the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, First Class, Begusarai, in connection with Phulwaria P.S. Case No.164 of 2019/G.R. No.4136 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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