

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8850 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- RIGA District- Sitamarhi

1. Arjun Mahto Son of Asharfi Mahto Resident of Village- Shahbajpur, P.S.- Riga, Distt- Sitamarhi.
2. Raja Kumar @ Raja Babu Kumar @ Raja Kumar Mahto Son of Asharfi Mahto Resident of Village- Shahbajpur, P.S.- Riga, Distt- Sitamarhi.
3. Suraj Kumar @ Suraj Kumar Mahto Son of Asharfi Mahto Resident of Village- Shahbajpur, P.S.- Riga, Distt- Sitamarhi.

... .. Petitioner/s

Versus

State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kr. Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioners submits that petitioner no. 1 has been arrested by the police, therefore, he seeks permission to withdraw this application.

Permission is granted.

Accordingly, application is dismissed as withdrawn with regard to petitioner no. 1.

This bail application survives only with regard to petitioner nos. 2 and 3.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of



non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 379, 427, 504, 34 of the Indian Penal Code and Sections 25 (1-b)a, 26, 27, 35 of the Arms Act.

Prosecution case is that when the informant was at his shop in the meantime, petitioners came armed with rifle, knife and iron rod and assaulted and abused him. It is also alleged that Arjun Mahto had taken cash of Rs. 5000/- from the cash box of the shop.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case due to village politics. He submits that there is no specific allegation against the petitioners rather allegation levelled against the petitioners is general and omnibus. He submits that no injury has been found on the informant. There is no allegation of causing injury to the informant and the allegation of theft is not specific and it appears to be super-addition. He submits that petitioners bear no criminal antecedent as stated in para-3 of the bail application.

However, learned APP for the State opposes the



prayer for bail and submits that the learned court below has rightly rejected the bail application of the petitioners.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Riga P.S. Case No. 30 of 2020 pending before the court of the learned Judicial Magistrate 1st Class, Sitamarhi.

If the petitioners surrender before the learned court below and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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