

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36858 of 2020**

Arising Out of PS. Case No.-91 Year-2020 Thana- JALALPUR District- Saran

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1. Dhanesh Mahto, aged about 26 years, male, Son of Dudhnath Mahto.
  2. Dudhnath Mahto, aged about 52 years, male, Son of Igrasan Mahto. Both are resident of Village-Makanpura, P.S.-Jalalpur, Distt.-Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Udit Narayan Singh, Adv.     |
| For the Informant    | : | Mr. Dewendra Narayan Singh, Adv. |
| For the State        | : | Mr. APP                          |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      07-04-2021                      Heard Mr. Udit Narayan Singh, learned Advocate for the petitioners and Mr. Dewendra Narayan Singh, learned counsel for the informant. The State is represented by the learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Jalalpur P.S. Case No. 91 of 2020, dated 29.05.2020, instituted for the offences under Sections



147, 148, 149, 341, 323, 324, 307, 379 and 302 of the Indian Penal Code.

According to the F.I.R., the son of the informant was waylaid and he identified the miscreants. In order to scare away the son of the informant, he was assaulted by the accused persons. In the meanwhile, a vehicle of the village of the informant passed by and the passengers of that vehicle later told the informant that the petitioners were part of the crowd which had tried to rob the son of the informant. The son of the informant was taken to the hospital for treatment. When the informant and others went to accost the petitioners with respect to the occurrence, they started abusing and assaulting the informant and others. Later, the son of the informant died.

The learned counsel for the petitioners has submitted that for the first part of the occurrence, the informant is not an eye-witness and for the second part, the allegations are general and omnibus. It has further been submitted that in the first part of the occurrence in which the deceased has received injuries and has died, the informant is



not an eye-witness to the occurrence and has come to know about the participation of the petitioners only through some persons who have not been named by the informant.

In any view of the matter, considering the nature of accusation against the petitioners, I am not inclined to grant anticipatory bail to them.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek bail, the Court below, after taking into account all the relevant facts, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

**(Ashutosh Kumar, J)**

Praveen-II/-

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