

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38776 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- MAHARAJGANJ District- Siwan

1. RANJEET KUMAR Son of Raghunath Mahto Resident of Village - Rukandipur, P.S. - Daraunda, District - Siwan
2. Sarvjeet Mahto @ Sarvjeet Kumar Son of Raghunath Mahto Resident of Village - Rukandipur, P.S. - Daraunda, District - Siwan
3. Sandeep Kumar Son of Raghunath Mahto Resident of Village - Rukandipur, P.S. - Daraunda, District - Siwan
4. Shobha Kumari D/o Raghunath Mahto Resident of Village - Rukandipur, P.S. - Daraunda, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-11-2021 Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Maharajganj P.S. Case no. 132 of 2020 instituted for the offence punishable under Sections 147, 148, 341, 323, 324, 325, 307, 504, 354, 379 and 506 of the Indian Penal Code.

As per allegation in the FIR, on 5.6.2020 a scuffle had taken place between both the parties. All the accused persons including these petitioners armed with sharp cutting weapons



assaulted the informant, resulting into her head injury. Besides informant, Heera Lal Mahto, Dwarika Mahto and Ashok Mahto also sustained sharp cut injuries in their head and Manju Devi sustained injury in her hand resulting into her broken finger.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case due to dirty village politics. General and omnibus allegations are levelled against them. They have got no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer of bail and submitted that petitioners have assaulted the informant and her family members on their head by sharp cutting weapons, which shows their intention. It appears from para nos. 6 and 7 of the case diary that eye witness have also supported the case. It reveals from the injury reports (Annexure-2 to the petition) of Hira Lal Mahto and Manju Devi that they have received head injuries, which are grievous in nature.

Having heard learned counsel for the parties and going through the impugned order dated 18.09.2020 passed in ABP no. 1234/2020, it is evident that witnesses have supported the prosecution case, which is mentioned in para nos. 6 and 7 of



the case diary, this Court is not inclined to grant bail to the petitioner nos. 1, 2 and 3 and, as such, their application for bail is rejected.

However, if the petitioner nos. 1, 2 and 3 surrender and pray for regular bail, the same shall be considered by the court below, without being prejudiced by this order of rejection.

So far as petitioner no. 4, namely, Shobha Kumari is concerned, she is an un-married girl and no specific allegation of assault is levelled against her, this Court is inclined to enlarge her on bail. The petitioner no. 4, namely, Shobha Kumari is directed to surrender in the Court below within a period of four weeks from today and in the event of her arrest or surrender in connection with Maharajganj P.S. Case no. 132 of 2020, she will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Siwan subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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