

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3120 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. THAGA MAHTO, aged about 68 years, (Male), Son of Bhikhari Mahto, Resident of Village-Modhaul, Manpur, P.S.- Runnisaidpur, Distt.- Sitamarhi.
2. VIKASH KUMAR, aged about 20 years, (Male), Son of Munna Mahto, Resident of Village-Modhaul, Manpur, P.S.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Vishwa Ranjan Choudhary, Advocate.
For the State	:	Mr. A.G.
For the Informant	:	Mr. Ganesh Prasad Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, learned counsel for the petitioners is permitted to make necessary correction in paragraph no. 1 of the bail application.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323 and 302/34 of the I.P.C.



The prosecution story, in brief, is that the brother of the informant, namely, Babloo applied for Online Covid-19 check-up for two sons of Thaga Mahto, who had arrived back from Mumbai, to the village under Covid-19 situation on 24.03.2020. Thaga Mahto and his sons were annoyed by this interference and checking/testing for Covid-19 by Babloo and therefore on 29.03.2020 at around 6.30 P.M., while the informant was at his home, he heard the noise that his brother Babloo Kumar is being assaulted by these persons, namely, Munna Mahto, Sudhir Mahto, Vikash Kumar (petitioner no. 2), Thaga Mahto (petitioner no. 1), Deepak and Madan Mahto. They assaulted him with intention to kill and the informant tried to save him, but in the meantime, his brother became unconscious on account of assault inflicted by all the accused jointly. Therefore, Babloo Kumar was taken to the P.H.C., Saidpur, where the doctor declared him dead, but the informant did not accept this truth of death and took him to S.K.M.C.H., Muzaffarpur and admitted him in Emergency Ward but there also the doctor declared him to be dead.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged



against the petitioners. The petitioners have falsely been implicated in the present case. As per F.I.R., general and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether six persons are named in the F.I.R. From perusal of the F.I.R., it is evident that there is no whisper about the weapon used in the alleged occurrence. From perusal of the postmortem report, it is evident that the deceased is said to have died due to injury caused to him on his brain by hard and blunt substance. The allegation made in the F.I.R. does not corroborate with the findings/opinion of the postmortem report.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned A.C.J.M.-VI, Sitamarhi, in connection with Runnisaipur P.S. Case No. 150 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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