

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1188 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- BALTHAR District- West Champaran

1. Bin Mahto, aged about 30 years (Male), Son of Banarshi Mahto, Resident of Village - Dhankutwa Padiya Tola, P.S.- Balthar, Distt.- W. Champaran.
2. Shikander Mahto, aged about 27 years (Male), S/o Banarshi Mahto, Resident of Village - Dhankutwa Padiya Tola, P.S.- Balthar, Distt.- W. Champaran.
3. Brij Kishore Mahto, aged asbout 28 years (Male), Son of Late Ramdeo Mahto, Resident of Village - Dhankutwa Padiya Tola, P.S.- Balthar, Distt.- W. Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dhannjay Kumar No. 2, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2021 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 present bail application.

Heard learned counsel for the petitioners 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 143, 447, 341, 323, 324, 307, 325, 384, 504 and 506 of the I.P.C.



The prosecution story, in brief, is that on 16.01.2020 at about 6.00 A.M. accused persons including the petitioners were constructing hut on the land of the informant when she raised objection then accused persons assaulted her with Lathi and Farsa. When her son, namely, Kundan Mahto came to rescue her, he was also assaulted by them. When her elder brother-in-law (Bhaisur) and sister-in-law (Gotani), co-accused Ramashish Mahto assaulted with Farsa on their head.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has been made against them. No specific overt act is alleged against them. The specific allegation of assault is alleged against co-accused, namely, Ramasish Mahto.

On behalf of the learned counsel for the State, 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 C.J.M., Bettiah, West Champaran, in connection with Balthar P.S. Case No. 05 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.

U.K./-

(Sudhir Singh, J)

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