

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7363 of 2021

Arising Out of PS. Case No.-90 Year-2020 Thana- PATAHI District- East Champaran

1. SHANKAR MAHTO Son of Late Parichhan Mahto, Resident of Village - Patahi, P.S. - Patahi, District - East Champaran.
2. NATHUNI MAHTO Son of Rajendra Mahto, Resident of Village - Patahi, P.S. - Patahi, District - East Champaran.
3. RAJENDRA MAHTO Son of Late Ramdhani Mahto, Resident of Village - Patahi, P.S. - Patahi, District - East Champaran.
4. TARA DEVI W/O Shankar Mahto, Resident of Village - Patahi, P.S. - Patahi, District - East Champaran.
5. BHIKHARI MAHTO RAJENDRA MAHTO, Resident of Village - Patahi, P.S. - Patahi, District - East Champaran.
6. SANGITA DEVI Wife of Subh Narayan Mahto @ Jug Narayan Mahto Resident of Village - Patahi, P.S. - Patahi, District - East Champaran.
7. RAJANI DEVI Wife of Rajendra Mahto Resident of Village - Patahi, P.S. - Patahi, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 The learned counsel for the petitioner no.1 points out that the petitioner no.1 has already been arrested, hence, the present petition qua the petitioner no.1 has become infructuous. Accordingly, the present petition qua the petitioner no.1 stands dismissed as not pressed.

At this juncture, the learned counsel for the petitioners further seeks to withdraw the present petition qua the petitioners



no. 2 and 3 in order to enable them to surrender before the learned court below and seek regular bail. Permission so sought is granted. In case the petitioners no. 2 and 3 surrender before the learned court below within a period of four weeks from today and pray for regular bail, the learned court below shall consider the same on merits and pass orders on the same day of filing of the bail petition.

The petitioners No. 4 to 7 apprehend their arrest in connection with Patahi P.S. Case No. 90 of 2020, G.R. Case No. 3976 of 2020 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 354(B), 504, 506/34 of the Indian Penal Code.

The allegation is regarding the accused persons having assaulted the members of the prosecution party. The main allegation is against the petitioners no. 1 to 3, however, as far as the petitioners no. 4 to 7 are concerned, a general and omnibus allegation has been levelled and it is submitted that a bare perusal of the ferdbeyan of the informant would show that no allegation of any sort of overt act has been levelled against the petitioners no. 4 to 7.

The learned counsel for the petitioners has submitted that the petitioners no. 4 to 7 are innocent, have been falsely



implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners no. 4 to 7 has further submitted that a general and omnibus allegation has been levelled and there is no allegation of the petitioners no. 4 to 7 having engaged in any sort of overt act. It is also submitted that the main thrust of allegation of assault is against petitioners no. 1 to 3.

Per contra, Ms. Anita Kumari Singh, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the materials available on record as also taking into account the fact that no serious allegations have been levelled against the petitioners no. 4 to 7, as also considering the submissions made herein above by the learned counsel for the petitioners, I deem it fit and proper to admit the petitioners no. 4 to 7 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of four weeks from today before the learned court below, the petitioners no. 4 to 7, above -named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of



learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka,
East Champaran at Motihari, in connection with Patahi P.S.
Case No. 90 of 2020, G.R. Case No. 3976 of 2020, subject to
the condition as laid down under section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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