

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10755 of 2021**

Arising Out of PS. Case No.-111 Year-2019 Thana- BABUBARHI District- Madhubani

1. RAM PRASAD MAHTO Son of Late Chaudhary Mahto Resident of Village-Kolhuwa, P.S.-Babubarhi, District-Madhubani.
2. Gorakh Pandit Son of Late Munar Pandit Resident of Village-Kolhuwa, P.S.-Babubarhi, District-Madhubani.
3. Jagadish Mahto Son of Late Mahavir Mahto Resident of Village-Kolhuwa, P.S.-Babubarhi, District-Madhubani.
4. Vijay Kumar Mahto @ Vijay Mahto Son of Jagadish Mahto Resident of Village-Kolhuwa, P.S.-Babubarhi, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR ADVOCATE GENERAL OFFICE PATNA HIGH  
COURT PATNA

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Subhash Kumar Jha  
For the Opposite Party/s : Mr.Abhay Kumar Roy

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

2      21-12-2021                      Heard Mr. Subhash Kumar Jha, the learned  
  
counsel for the petitioners and Mr. Abhay Kumar Roy, the  
  
learned APP for the State.

Mr. Jha, seeks permission to withdraw the  
  
petition with respect to the petitioner no. 1, who has been  
  
arrested during the pendency of this application.

The petition with respect to the petitioner no. 1/  
  
Ram Prasad Mahto is dismissed as having become  
  
infructuous.



The petitioner nos. 2, 3 and 4 seek bail in anticipation of their arrest in connection with Babubarhi P.S. Case No. 111 of 2019 instituted for the offences under Sections 341, 323, 324, 325, 326, 307, 448, 380, 447, 504 and 34 of the Indian Penal Code.

For the son of the informant having married a lady of different caste, the accused persons including the petitioner nos. 2 to 4 are alleged to have assaulted the informant and his wife.

There is a counter version of the occurrence also lodged by the wife of one of the accused persons of this case. So far as the injuries of the informant and his wife is concerned, none of them are life threatening.

The learned counsel for the petitioners has tried to show that the petitioners have not specifically been attributed with causing such injuries on the victims, namely, the informant and his wife.

Be that as it may, regard being had to the fact that the petitioner nos. 2 to 4 have participated in the occurrence of assault only because the son of the informant



had married a person of another caste, I am not inclined to grant anticipatory bail to them.

The prayer for bail of the petitioner nos. 2 to 4 is rejected.

However, if the petitioners surrender before the Court below and seek bail, that petition shall be considered on its own merits without being prejudiced by the fact that the present petition on their behalf has not been entertained.

The petition stands disposed of accordingly.

**(Ashutosh Kumar, J)**

sunilkumar/-

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