

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8822 of 2022

Arising Out of PS. Case No.-293 Year-2020 Thana- SUPAUL District- Supaul

1. UPENDRA MAHTO @ O.P. MAHTO Son of Late Viro Mahto Resident of Village - Chainsihpatti, Ward No. -8, P.S. - Supaul, District - Supaul, State - Bihar.
2. MITHUN KUMAR Son of Umesh Mahto Resident of Village - Chainsihpatti, Ward No. -8, P.S. - Supaul, District - Supaul, State - Bihar.
3. ARTI DEVI Wife of Mithun Kumar Resident of Village - Chainsihpatti, Ward No. -8, P.S. - Supaul, District - Supaul, State - Bihar.
4. SITA DEVI wife of Umesh Mahto Resident of Village - Chainsihpatti, Ward No. -8, P.S. - Supaul, District - Supaul, State - Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 504, 509, 354A, 308, 379 and 34 of the Indian Penal Code and sections 3 and 5 of the prevention of witch practices act, 1999.

Allegedly, the petitioners along with other co-accused



persons abused the informant by using Dayan word. It is further alleged that all the accused persons assaulted the informant's side by means of lathi, fatha and iron rod.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties and from the perusal of the case diary, the injuries are simple in nature. Earlier the petitioners were granted benefit of section 41(i) of the Cr.P.C. The police has submitted the chargesheet against the petitioners but differing with the same, the court below has taken cognizance against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a general and omnibus allegation against the petitioners, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court



below within a period of six weeks from today, on furnishing
bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each**
with two sureties of the like amount each to the satisfaction of
the learned court below where the case is pending/Successor
Court in Supaul P.S. Case No.293 of 2020, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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