

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10378 of 2022

Arising Out of PS. Case No.-582 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

1. SANOJ MAHTO SON OF LATE SUKAN MAHTO R/O VILLAGE-DARIYA CHHAPARA, P.S.- SAHEBGANJ, DISTRICT- MUZAFFARPUR
2. AJAY MAHTO SON OF LATE SUKAN MAHTO R/O VILLAGE-DARIYA CHHAPARA, P.S.- SAHEBGANJ, DISTRICT- MUZAFFARPUR
3. DILIP MAHTO SON OF SURENDRA MAHTO R/O VILLAGE- DARIYA CHHAPARA, P.S.- SAHEBGANJ, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

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.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.1.

Permission is granted.

Accordingly, the instant application with regard to



petitioner no.1 is dismissed as withdrawn.

This application is now being heard for consideration of anticipatory bail on behalf of the petitioner nos.2 and 3.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 504, 506, 354(B)/34 of the Indian Penal Code.

Allegedly, the petitioner no.1 tried to outrage the modesty of the informant but somehow she managed to escape. Thereafter the petitioner nos.2 and 3 came at her house and assaulted her by fists and legs and started to abuse.

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 due to dirty village politics. 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. It is submitted that the parties are agnates and there is a prior dispute between them for land. It is submitted that there is a delay of four days in lodging the F.I.R. and the victim has not sustained any injury. Petitioner nos.2 and 3 have no criminal antecedent.

Learned APP for the State opposed the prayer for



anticipatory bail.

Having regard to the facts and circumstances of the case, since there is general and omnibus allegation against the petitioner nos.2 and 3 named above, let them, 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 connection with Sahebganj P.S. Case No.582 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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