

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13539 of 2022

Arising Out of PS. Case No.-479 Year-2021 Thana- MUFFASIL District- West Champaran

1. SANTOSH MAHTO Son of Ramayan Mahto Resident of Village - Hirapakar, P.s.- Bettiah Muffasil (Manuapul O.P.), Distt.- West Champaran.
2. Madan Mahto Son of Sankar Mahto Resident of Village - Hirapakar, P.s.- Bettiah Muffasil (Manuapul O.P.), Distt.- West Champaran.
3. Pappu Sah Son of Late Guljar Sah Resident of Village - Hirapakar, P.s.- Bettiah Muffasil (Manuapul O.P.), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioners and learned
APP 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.

Learned counsel for the petitioners seek permission to withdraw this bail application for petitioner nos.1 and 3 as they have already been apprehended by the police during the pendency to the present application.

Permission is granted.



Accordingly, the instant application for petitioner nos.1 and 3 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.2 only.

Petitioner no.2 apprehends his arrest in connection with a case registered for the offence punishable u/s 147/148/149/341/323/353/224/225/332/333/427/504/506 of the Indian Penal Code.

Allegedly, the petitioner with alongwith others protested against the arrest of co-accused and they got the co-accused released from the custody of police. The accused persons started brick batting on the police force.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Similarly, situated co-accused persons have been granted bail by a co-ordinate bench of this court vide order dated 25.03.2022 in Cr. Misc. No. 10478 of 2022. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.



Considering the aforesaid facts and circumstances, since there is no specific overt act against the petitioner, let the petitioner no.2 named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Bettiah (M) Manuapul P.S Case No.479 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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