

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15635 of 2022

Arising Out of PS. Case No.-279 Year-2020 Thana- AMARPUR District- Banka

1. Niranjana Mahto, Son Of Rabin Mahto @ Rabin Yadav Resident Of Village - Itahri, P.S.- Fullidumar (Amarpur), Distt.- Banka.
2. Rudal Mahto, Son Of Rabin Mahto @ Rabin Yadav Resident Of Village - Itahri, P.S.- Fullidumar (Amarpur), Distt.- Banka.
3. Rabin Mahto @ Rabin Yadav, Son Of Jatan Mahto Resident Of Village - Itahri, P.S.- Fullidumar (Amarpur), Distt.- Banka.
4. Guddu Mahto @ Guddu Kumar Mahto, Son Of Rabin Mahto @ Rabin Yadav Resident Of Village - Itahri, P.S.- Fullidumar (Amarpur), Distt.- Banka.
5. Sittu Kumar Mahto, Son Of Rabin Mahto @ Rabin Yadav Resident Of Village - Itahri, P.S.- Fullidumar (Amarpur), Distt.- Banka.
6. Harikishor Yadav, Son Of Asarfi Yadav Resident Of Village - Dhankudiya, P.S.- Belhar (Khesar), Distt.- Banka.
7. Birendra Yadav, Son Of Suresh Yadav Resident Of Village - Bishanpur, P.S.- Belhar, Distt.- Banka.
8. Dilip Yadav, Son Of Madan Mahto Resident Of Village - Jhikta, P.S.- Dhoraiya, Distt.- Banka.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 354, 504 and 506 of the Indian Penal Code.



The learned counsel for the petitioners submits that the petitioner nos.1 to 4 have antecedent of one case and petitioner nos.5 to 8 are persons with clean antecedent and the informant alleges that on 28.05.2020 at 9.30 A.M., ten accused persons including the petitioner arrived at the place of occurrence. Thereafter, it is alleged that seven accused persons including five petitioners (petitioner nos.1 to 5) abused the informant and assaulted the victim with various weapon causing injury. It is next alleged that all the accused persons assaulted the informant injuring her. Thereafter, Rudal Mahto snatched the golden chain of the informant and took Rs.2,000/- in cash. It is further alleged that the reason for the occurrence was the land dispute.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that on account of dispute relating to land, the present occurrence has taken place. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is general and omnibus in nature. It is also submitted that from tenor of the allegation as alleged, it manifests that only the informant was assaulted, but the learned counsel for the petitioners very fairly submits that he



has specifically pleaded at Para-8 that five persons were injured out of which, three persons had simple injury and opinion with regard to two injured has been reserved, but then the F.I.R. does not even remotely disclose that who assaulted whom.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Amarpur (Fullidumar) P. S. Case No.279 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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