

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24459 of 2021

Arising Out of PS. Case No.-139 Year-2020 Thana- LALGANJ District- Vaishali

1. Raju Mahto Son of Late Jagdish Mahto Resident of Mohalla - Lahari Tola (Lalganj), P.S. - Lalganj, District - Vaishali.
2. Vikash Kumar Son of Raju Mahto Resident of Mohalla - Lahari Tola (Lalganj), P.S. - Lalganj, District - Vaishali.
3. Mukesh Kumar Son of Raju Mahto Resident of Mohalla - Lahari Tola (Lalganj), P.S. - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-05-2022 This case has been taken up for consideration on
priority as it was filed one year ago.

Heard Mr. Santosh Kumar, learned advocate for the
petitioners and learned Additional Public Prosecutor
representing the State.

The petitioners seek bail in anticipation of their arrest
in connection with Lalganj P.S. Case No. 139 of 2020 dated
22.05.2020 instituted for the offences under Sections 341, 323,
307, 324, 504, 506/34 of the Indian Penal Code.

It has been urged on behalf of the petitioners that
though they are said to be have caused injuries to two of the



victims but both the victims have received only simple injuries.

The occurrence arose at the time when cleaning of a well was being undertaken in the village. Nonetheless, learned counsel for the petitioners has fairly stated before this Court that during course of investigation, the petitioners were noticed under Section 41(a) of the Cr.P.C. and were not arrested.

Considering this aspect of the matter, this Court is not inclined to entertain the application for anticipatory bail, which is rejected.

However, it is directed that in case the petitioners surrender before the court below and seek bail, their application shall be considered on its own merit taking into account that they did not misuse the privilege of police bail and shall pass orders in accordance with law without being prejudiced by the fact that the present application on their behalf has not been entertained by this Court.

The petition stands disposed of.

(Ashutosh Kumar, J)

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