

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15757 of 2022

Arising Out of PS. Case No.-318 Year-2020 Thana- CHHATAUNI District- East Champaran

1. BHUSHAN MAHTO @ SHASHI BHUSHAN KUMAR SON OF VINDESHWARI MAHTO RESIDENT OF VILLAGE - BADA BARIYARPUR, P.S- CHHATAUNI, DIST- EAST CHAMPARAN.
2. RAJDEV MAHTO SON OF VIJAY MAHTO RESIDENT OF VILLAGE - BADA BARIYARPUR, P.S- CHHATAUNI, DIST- EAST CHAMPARAN.
3. VIJAY MAHTO SON OF LATE MAHENDRA MAHTO RESIDENT OF VILLAGE - BADA BARIYARPUR, P.S- CHHATAUNI, DIST- EAST CHAMPARAN.
4. VINDESHWARI MAHTO SON OF LATE MAHENDRA MAHTO RESIDENT OF VILLAGE - BADA BARIYARPUR, P.S- CHHATAUNI, DIST- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abbhishek Kumar, Adv.
For the Opposite Party/s	:	Mr.Jai Narain Thakur, APP
For the Informant	:	Mr.Dhurendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant 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.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 325, 379/34 of the IPC.



Allegedly, all the FIR named accused persons including the petitioners have indiscriminately assaulted the informant by means of various deadly weapons.

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. It is submitted that in the alleged occurrence, both sides have sustained injuries and there is a case and counter-case between the parties. It is further submitted that the injuries are simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail by submitting that there is specific allegation against the petitioner no.1 is of giving rod blow on the hand of the informant, which has caused grievous injury to the informant.

Considering that the petitioner no.1 has attributed grievous injury on the person of the informant, I am not inclined to grant the privilege of anticipatory bail. The prayer for bail on his behalf is rejected.



However, since there is general and omnibus allegation against the petitioner nos.2 to 4 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 Chhatauni P.S. Case No.318 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This application is partly allowed.

(Anjani Kumar Sharan, J)

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