

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20836 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- AMARPUR District- Banka

1. PINTU MAHTO @ PINTU KUMAR MAHTO Son of Yogendra Mahto @ Jogendra Mahto Resident of village - Suraha, P.S. - Amarpur, District - Banka
2. Narayan Mahto Son of Late Tarni Mahto Resident of village - Suraha, P.S. - Amarpur, District - Banka
3. Kanhay Mahto @ Bal Krishna Mahto @ Bal Krishna Kanhaiya Son of Narayan Mahto Resident of village - Suraha, P.S. - Amarpur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Balram Kapri, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, A.P.P.
	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 354(B), 307, 504 and 506 of the Indian Penal Code.

The informant alleges that on 29.05.2021, when she went outside her house to attend call of nature when Suraj and Pintu caught her and tried to outrage her modesty, on protest both the accused dashed her on the ground by holding her hair, it is next alleged that when her husband, brother-in-law and



father-in-law came to rescue her they were also assaulted and Bashishtha snatched away a golden ear ring from possession of the informant.

Learned counsel for the petitioners submits that petitioners have antecedent of one case though the police for reasons best known in the case diary has recorded that petitioners are also involved in Amarpur P.S. Case No. 248 of 2018, when from perusal of the FIR itself it would manifest that they are not accused in the said case. Learned counsel submits that petitioners have been falsely implicated in the present case, it is next submitted that similarly situated co-accused namely Yogendra Mahto and five others have been granted anticipatory bail by order dated 23.02.2022 in Criminal Misc. No. 69788 of 2021, it is also submitted that there is no eye witness to the occurrence.

Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioners that there is no eye-witness to the occurrence and some co-accused have been granted anticipatory bail.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Amarpur P.S. Case No. 253 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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