

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22460 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- NARDIGANJ District- Nawada

1. SHIVDANI MAHTO SON OF LATE PARO MAHTO R/O- VILLAGE-
GOTRAYAN, P.S.- NARDIGANJ, DISTRICT- NAWADA
2. KUNDAN KUMAR SON OF SHIVDANI MAHTO R/O VILLAGE
GOTRAYAN, P.S. NARDIGANJ, DISTRICT NAWADA
3. AJAY KUMAR @ AJAY PRASAD SON OF SHIVDANI MAHTO R/O-
VILLAGE- GOTRAYAN, P.S.- NARDIGANJ, DISTRICT- NAWADA
4. RAVI KUMAR SON OF SHIVDANI MAHTO R/O VILLAGE-
GOTRAYAN, P.S.- NARDIGANJ, DISTRICT NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the present anticipatory bail application with
respect to petitioner no.3 who was arrested during pendency of
the present anticipatory bail application.

Permission is accorded.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 325, 307, 354(B), 504 and 506 of the Indian Penal Code.



Learned counsel for the petitioners submits that the petitioner nos. 1 and 4 have antecedent of one case and petitioner no. 2 has antecedent of two cases and the informant alleges that he along with two other was sitting when accused persons, including the petitioners, came and threatened the informant asking him to vacate the house, on protest Kundan and Shivdani tried to strangle Basdeo and Ramswaroop, thereafter Pankaj was assaulted by *gadasa* causing injury on ear and head by the aforesaid accused, thereafter Gautam assaulted Ravi by *khanti* and pistol causing injury on head, next Suryakant assaulted Mahendra by an iron rod and Ravi tore saree of Chinta Devi.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of allegation as alleged in the FIR, it would manifest that the dispute relates to vacating the house of petitioners by the informant, it is next submitted that petitioners and the informant are related to each other and thus on account of dispute relating to property and land, the accused persons have been falsely implicated which also manifest from the fact that allegation with precision has been alleged. It is also submitted that even accepting what has been alleged is true



without admitting for the purposes of bail then the injury suffered by the injured are simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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. 5,000/- (Rupees Five 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 Nardiganj P.S. Case No. 161 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court before accepting the bail bond shall confirm whether the injuries suffered by the injured are simple in nature, in the event, if the injury of the injured are not simple in nature then the present order shall not be acted upon.

(Satyavrat Verma, J)

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