

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27949 of 2022

Arising Out of PS. Case No.-396 Year-2021 Thana- MANJHI District- Saran

1. DEEPAK KUMAR @ DEEPAK KUMAR MAHTO SON OF SANJAY MAHTO R/O- VILL- MAHMADPUR KE MATHIA P.S.- MANJHI DIST.- SARAN AT CHAPRA
2. DULARI DEVI WIFE OF SANJAY MAHTO R/O- VILL- MAHMADPUR KE MATHIA P.S.- MANJHI DIST.- SARAN AT CHAPRA
3. NEHA KUMARI DAUGHTER OF SANJAY MAHTO R/O- VILL- MAHMADPUR KE MATHIA P.S.- MANJHI DIST.- SARAN AT CHAPRA
4. SURENDRA MAHTO SON OF SOLI MAHTO R/O- VILL- MAHMADPUR KE MATHIA P.S.- MANJHI DIST.- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioners 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 under Sections 341, 323, 324, 307, 379, 354 (B)/34 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including



the petitioners are said to have indiscriminately assaulted the informant by means of various weapons and when her daughter came for rescue, she was also assaulted by the accused persons. It is alleged that petitioner no.4 tried to outrage her modesty.

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 due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific overt act is levelled against the co-accused Sanjay Mahto. It is further submitted that there is a delay of four days in lodging the F.I.R. as the alleged occurrence is said to have taken place on 01.11.2021 but the F.I.R. was lodged on 05.11.2021 and no plausible explanation has been given in this regard. Such a delay in lodging the F.I.R. creates doubt about the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering that there is general and omnibus allegation against



the petitioners and the delay in lodging the F.I.R., let the above named petitioners, 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 Manjhi P.S. Case No.396/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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