

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29201 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- OBRA District- Aurangabad

1. SUNIL MAHTO SON OF YAMUNA MAHTO R/O- VILL-KURMAYEEN, P.S.- OBRA, DIST.- AURANGABAD
2. AJAY MAHTO SON OF LATE RAMSORUP MAHTO R/O- VILL-KURMAYEEN, P.S.- OBRA, DIST.- AURANGABAD
3. BASANT MAHTO SON OF YAMUNA MAHTO R/O- VILL-KURMAYEEN, P.S.- OBRA, DIST.- AURANGABAD
4. UDAY MAHTO SON OF RAMSOWARUP MAHTO R/O- VILL-KURMAYEEN, P.S.- OBRA, DIST.- AURANGABAD
5. RAVINDRA MAHTO SON OF RAMAWTAR MAHTO R/O- VILL-KURMAYEEN, P.S.- OBRA, DIST.- AURANGABAD
6. RAVIRANJAN MAHTO SON OF RAMAWTAR MAHTO R/O- VILL-KURMAYEEN, P.S.- OBRA, DIST.- AURANGABAD
7. SATISH MAHTO SON OF RAMSOWRUP MAHTO R/O- VILL-KURMAYEEN, P.S.- OBRA, DIST.- AURANGABAD

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Tiwari
For the Opposite Party/s : Mr. Shailendra, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 01-09-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

At the outset, learned counsel for the petitioners has submitted that petitioner Nos. 3 and 5 have been arrested, as



such, the anticipatory bail petition in their respect has become infructuous. He, therefore, seeks permission to withdraw the petition in respect of petitioner No. 3 and 5.

In view of the aforesaid submission, the anticipatory bail petition of petitioner No. 3 and 5 is dismissed as withdrawn as having become infructuous.

The rest petitioners apprehend their arrest in connection with Obra P.S. Case No. 295 of 2021, registered for the offences punishable under Sections 147, 148, 149, 305, 504, 325 of the Indian Penal Code and 27 of the Arms Act.

As per the allegation, the informant along with Vishram Mahto, Parma Mahto, Sikandar Mahto, Shailendra Mahto and Lakhiya devi were sitting at *darwaja*, meanwhile, eleven named accused persons came there with *lathi*, pistol etc. and the specific allegation against petitioner no. 2 is that, he assaulted the informant on his head. Petitioner no. 4, Uday Mahto assaulted Parma Mahto on his head and petitioner No. 1 Sunil Mahto assaulted Lakhiya Devi on her head.

Learned counsel for the petitioner has submitted that the petitioners are innocent. There is case and counter case and the members of defense side have also sustained injuries and they have lodged Obra P.S. Case No. 296 of 2021 against the



members of prosecution side.

There is specific allegation against petitioner no. 2 that he assaulted the informant who sustained grievous injuries. As such, he is not entitled for anticipatory bail. Accordingly, his prayer for anticipatory bail is **rejected**.

So far as rest petitioners are concerned, considering the above-mentioned facts and circumstances, let them, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Obra P.S. Case No. 295 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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