

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39082 of 2021

Arising Out of PS. Case No.-650 Year-2020 Thana- MAJHAULIA District- West Champaran

1. RAJENDRA MAHTO S/O LATE BHIKHARI MAHTO R/O VILLAGE-NARAINPUR, P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.
2. RAMNATH MAHTO S/O THAG MAHTO R/O VILLAGE-NARAINPUR, P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.
3. NARENDRA MAHTO S/O RAMDAYAL MAHTO R/O VILLAGE-NARAINPUR, P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.
4. RAMDAYAL MAHTO S/O SUKHAL MAHTO R/O VILLAGE-NARAINPUR, P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.
5. RAMKISHUN MAHTO S/O JITA MAHTO R/O VILLAGE-NARAINPUR, P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.
6. MUKESH MAHTO S/O HARI MAHTO R/O VILLAGE-NARAINPUR, P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.
7. SUNIL MAHTO S/O BHAGAT MAHTO R/O VILLAGE-NARAINPUR, P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-06-2022 Heard the learned counsel for the petitioners
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Majhauria P.S. Case No. 650
of 2020 registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 324, 325,
307 and 504 of the Indian Penal Code.



The case of the prosecution in brief is that the nephew of the informant, namely, Manish Kumar, had gone for attending tuition classes on his bicycle, however, when he did not return till evening to his house, search was made and it transpired that the co-accused persons, namely, Hari Mahto, Pramod Mahto and Kishore Mahto had assaulted the nephew of the informant, whereafter the informant and his family members had gone to save the said Manish Kumar where they found that the co-accused person, namely, Chandra Kishore Mahto, had assaulted the informant by farsa resulting in him being inflicted with a cut injury on his head. It is also alleged that other accused persons including the petitioners had also assaulted the nephew of the informant.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The petitioners, except petitioner no. 5, are stated to be having a clean antecedent. The learned counsel for the petitioners has further submitted that the



petitioners are not the persons, who have been specifically alleged by the informant to be the perpetrator of crime inasmuch as the co-accused persons, namely, Hari Mahto, Pramod Mahto, Kishore Mahto and Chandra Kishore Mahto are the persons, who have been specifically alleged to have assaulted the informant and his nephew. Lastly, it is submitted that a general and omnibus allegation has been levelled against the petitioners and the fact is that they have been falsely implicated in the present case on account of previous enmity.

The learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that specific allegation of assault has been levelled against the co-accused persons, namely, Hari Mahto, Pramod Mahto, Kishore Mahto and



Chandra Kishore Mahto, resulting in the informant and his nephew sustaining injuries and only a general and omnibus allegation has been levelled as against the petitioners herein, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhauria P.S. Case No. 650 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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