

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35699 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- PHULPARAS District- Madhubani

1. Umesh Mahto S/O Satyadeo Mahto Resident Of Village- Babhnaha, P.S.- Phulparas, District- Madhubani
2. Makun Mahto S/O Satyadeo Mahto Resident Of Village- Babhnaha, P.S.- Phulparas, District- Madhubani
3. Manish Mahto @ Manish Kumar, S/O Late Laxmi Mahto Resident Of Village- Babhnaha, P.S.- Phulparas, District- Madhubani
4. Anil Mahto @ Anil Mahto S/O Umeshe Mahto Resident Of Village- Babhnaha, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha
For the APP	:	Mr.Umeshanand Pandit
For the Informant	:	Mr. Bimal Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2022 Heard learned counsel for the petitioners,

informant and learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 447, 341, 323, 324, 325, 307, 354(B), 379,

427, 504, 506/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that all the

F.I.R named accused persons including the petitioners



and 5-7 unknown entered into the house of informant's cousin and started assaulting him. It is specifically alleged against petitioner No. 1 Umesh Mehto that he assaulted with *Farsa* on the head of the injured, as a result of which the blood began to ooze and he fell down. It is specifically alleged against petitioner No. 2 that he also assaulted with *Farsa* on the head of the injured. When the informant tried to save his cousin, petitioner No. 4 Anil Mahto assaulted with iron rod on the head of the informant. The father of the informant was assaulted by petitioner No. 3 Manish Manish Mahto by means of *lathi*, as a result of which, he sustained injuries.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case. There is counter version of the occurrence also and petitioners' side also received injuries. It is further submitted that in the background of some land dispute, the present F.I.R has been registered. A



statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned A.P.P for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific accusation of making assault against petitioner Nos. 1 and 2 and the injury report of the injured also suggests the injuries to be grievous in nature which was caused by petitioner Nos. 1 and 2. So far as petitioner Nos. 3 and 4 are concerned, they assaulted the informant and his father but the injury report of the informant and his father suggests the injuries to be simple in nature.

Considering the fact that there is specific accusation against petitioner Nos. 1 and 2 to have assaulted to the cousin of the informant and the injury report of the injured also corroborate the prosecution case, this Court is not inclined to grant privilege of anticipatory bail to petitioner Nos. 1 and 2 namely



Umesh Mahto and Makun Mahto. The prayer for grant of anticipatory bail to petitioner Nos. 1 and 2 stands rejected.

So far as petitioner Nos. 3 and 4 are concerned, since there is general and omnibus allegation against them, let the petitioner Nos. 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Jhanjharpur in connection with Phulparas P.S. Case No. 57 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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