

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47259 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- DALSINGHSARAI District- Samastipur

1. SANJEET KUMAR MAHTO S/o Singheshwar Mahto R/o village- Ghatho, P.S.- Ghatho O.P., (Dalsinghsarai), District- Samastipur
2. Bablu Mahto S/o Singheshwar Mahto R/o village- Ghatho, P.S.- Ghatho O.P., (Dalsinghsarai), District- Samastipur
3. Ram Das Mahto S/o Singheshwar Mahto R/o village- Ghatho, P.S.- Ghatho O.P., (Dalsinghsarai), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtyunjay Kumar Mishra
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-03-2022 It is submitted by learned counsel for the petitioner that during pendency of this application, petitioner no. 1 has been arrested and, as such, he seeks permission to withdraw this application.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 1.

So far as petitioner no. 2 and 3 are concerned, the instant application for anticipatory bail has been filed by them apprehending their arrest in connection with Dalsinghsarai P.S. Case no. 102 of 2021 instituted for the offence punishable under sections 307, 323, 34, 341, 354, 379, 380, 447, 448, 504 and



506 of the Indian Penal Code and section 302 of the IPC has also been added.

As per allegation in the FIR, several accused persons including the petitioners entered into the courtyard of the informant and started to abuse her and asked about her husband. On protest made by her, accused persons started to assault her by bamboo stick and iron rod. When her relative and husband came there for her rescue, they were also beaten up by them. Accused persons also snatched her gold *mangalsutra* and cash of Rs. 11,000/- from box.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and has committed no offence. They have got no criminal antecedent. There is admitted land dispute between the parties. Both parties are agnates. As per postmortem report, no external injury has been found on the dead body of the deceased. Deceased died his natural death as he is very old aged about 70 years.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners no. 2 and 3 on bail.



The petitioners nos. 2 and 3 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Dalsinghsarai P.S. Case no. 102 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st Dalsinghsarai, Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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