

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56223 of 2021**

Arising Out of PS. Case No.-116 Year-2021 Thana- BHAGWANPUR District- Vaishali

1. Sujit Mahto @ Sujeet Mahto S/O Padarath Mahto R/O Village-Kiratpur Rajaram, P.S- Bhagwanpur, District-Vaishali.
2. Niraj Mahto S/O Prakash Mahto R/O Village-Kiratpur Rajaram, P.S- Bhagwanpur, District-Vaishali.
3. Dhiraj Mahto S/O Prakash Mahto R/O Village-Kiratpur Rajaram, P.S- Bhagwanpur, District-Vaishali.
4. Dewanand Mahto S/O Shiv Kumar Mahto R/O Village-Kiratpur Rajaram, P.S- Bhagwanpur, District-Vaishali.
5. Sanjit Mahto S/O Padarath Mahto R/O Village-Kiratpur Rajaram, P.S- Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajnish Chandra, Advocate  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      01-02-2022                      Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.



The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 323, 324, 341, 379, 354(B), 307, 504 and 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. From perusal of the F.I.R., it appears that General and omnibus allegation has been made against the petitioners. There is no specific allegation of assault alleged against the petitioners. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of



covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M.- 1, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 116/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

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