

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60250 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. RAM CHANDRA MAHTO Son of Late Sukan Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
2. Ajay Mahto @ Ajay Kumar Son of Kamal Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
3. Bhuneshwar Mahto Son of Ram Chandra Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
4. Jitendra Mahto Son of Ram Chandra Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
5. Birendra Mahto Son of Kamal Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
6. Mithilesh Devi @ Mithleshiya Devi Wife of Ram Chandra Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
7. Nirmala Devi Wife of Kamal Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
8. Jagtaran Devi Wife of Ram Kripal Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
9. Krishna Devi Daughter of Ram Kripal Mahto (Wrongly mention W/o Ram Kripal Mahto in F.I.R.), Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
10. Bibha Devi Wife of Janak Mahto (Wrongly mention W/o Kamal Mahto in F.I.R.), Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
11. Rita Devi Wife of Manoj Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.
12. Rina Devi Wife of Ajay Mahto Resident of Village - Babu Narha, P.S.- Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Ashok Kumar Mahto

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2022 Heard learned counsel for the petitioners, learned



counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioner, at the outset, seeks permission to withdraw the present anticipatory bail application against petitioner no. 8 (Jagtaran Devi).

Permission is accorded.

The petitioner nos. 3, 5, 6, 7, 9, 10, 11 and 12 apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner nos. 1, 3 and 6 have antecedent of one case and rest of the petitioners are persons with clean antecedent and the informant alleges that on 16.05.2021 at about 8:00 P.M. all the 16 named accused persons, including the petitioners, variously armed came at the door of the informant on the ground that buffalo of the informant had grazed their maize crops, it is next alleged that on the said allegation a dispute arose and the occurrence took place in which both sides assaulted each other and it is alleged that Ram Chandra Mahto (petitioner no.1) assaulted the informant with *garasa* on head causing injury, Ram Kripal Mahto assaulted Rupesh Kumar with *farsa* causing injury on head, Ajay Mahto (petitioner no.2) assaulted the son of



the informant, Rajesh Mahto with rod causing injury on the left hand and the finger got fractured, thereafter Jitendra Mahto (petitioner no. 4) assaulted Kaushal Kumar with *dabiya* causing injury on the back of his head and thereafter it is alleged that all the accused assaulted Kajal Kumari with *lathi* and Jagtaran Devi snatched the chain of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, the date of occurrence is 16.05.2021 and the FIR was instituted after an inordinate delay of nearly five days i.e., on 20.05.2021. The learned counsel next submits that the injuries suffered by the injured are simple in nature, it is also submitted that the informant by way of afterthought implicated the entire family members. Learned counsel next submits that if what has been alleged in the FIR is true and the informant's side was getting treated at a government hospital and if the occurrence had taken place in the manner alleged then definitely the hospital would have informed the police that injured have come to the hospital for treatment but the fact that FIR has been instituted based on a written complaint of the informant as such it appears that the informant utilized the time in falsely implicating the petitioners by alleging specific allegations. It is next submitted that the



present FIR has been instituted as a counter-blast to Bajpatti P.S. Case No. 125 of 2021 instituted from the side of the present petitioners.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and submit that no doubt there is a delay in instituting the FIR but then there is a version from the side of the petitioners also which supports the allegations as alleged in the FIR that a fight between the parties did take place i.e., the occurrence has taken place, it is next submitted that Rajesh Mahto and Punam Devi have suffered grievous injury.

Considering the submissions made by the learned counsel for the informant and learned APP for the State, the Court is not inclined to extend privilege of anticipatory bail to the petitioner nos. 1, 2 and 4.

Their prayer for anticipatory bail is thus rejected.

As far as anticipatory bail application of petitioner nos. 3, 5, 6, 7, 9, 10, 11 and 12 is concerned, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction



of the learned court below where the case is pending/successor
court in connection with Bajpatti P.S. Case No. 127 of 2021
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

(Satyavrat Verma, J)

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