

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59886 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- BABUBARHI District- Madhubani

1. MAHENDRA MAHTO @ MAHENDRA PRASAD SINGH Son of Late Makurji Mahto @ Makurji Singh Resident of Village- Kabiya, P.S.- Babubarhi, District- Madhubani.
2. Ram Lakhan Mahto Son of Late Pulkit Mahto Resident of Village- Kabiya, P.S.- Babubarhi, District- Madhubani.
3. Sushil Mahto @ Shankar Kumar Suman Son of Tirpit Mahto Resident of Village- Kabiya, P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 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 Babubarhi P.S. Case No. 77/2020 registered for the offence punishable under Sections 341, 323, 324, 325, 379 and 504/34 of the Indian Penal Code. Subsequently, charge-sheet has been submitted under Sections 341, 323, 354-A-E, 308, 504 and 506/34 of the



Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having abused the informant and having assaulted him and when his wife had come to rescue him, the accused persons had tried to outrage her modesty.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons including the petitioners herein and as far as the petitioners are concerned, no specific allegation of any sort of overt act qua them has been levelled. It is submitted that in any view of the matter, the injuries sustained by the informant have been found to be simple in nature. It is also submitted that the present incident has arisen on account of pre-existing land dispute.

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 the petitioners are not alleged to have engaged in any sort of specific overt act qua the informant or others, apart from the fact that the petitioners are having a clean antecedent, 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 anticipatory bail on furnishing bail bond of Rs. 50,000/- (rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Madhubani in connection with Babubarhi P.S. Case No. 77 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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