

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62769 of 2021

Arising Out of PS. Case No.-585 Year-2019 Thana- MUFFASIL District- West Champaran

1. Laxmi Mahato @ Lakshman Manto Son of Late Kanhai Mahato Resident of Village- Manahagani, P.S.- Bettiah (Muffasil), District- West Champaran.
2. Arjun Mahato Son of Late Kanhai Mahato Resident of Village- Manahagani, P.S.- Bettiah (Muffasil), District- West Champaran.
3. Ram Chandra Thakur Son of Late Bhola Thakur Resident of Village- Manahagani, P.S.- Bettiah (Muffasil), District- West Champaran.
4. Suresh Mahto Son of Bishwanath Mahto Resident of Village- Manahagani, P.S.- Bettiah (Muffasil), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-06-2022 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek anticipatory bail in connection with Bettiah Muffasil P.S. Case No. 585 of 2019, registered for the offences under Sections 147, 148, 149, 187, 188, 323, 324, 307, 332, 333, 334, 338, 120(B), 353, 427, 379, 386, 506 of the Indian Penal Code and Section ¾ of the Damage of Public Property Act and Section 2 of Bihar Collective (Imposition) Act.

Learned counsel for the petitioners seeks permission



to withdraw this bail application on behalf of petitioner nos. 2 and 3 namely Arjun Mahto, and Ram Chandra Thakur.

Accordingly, this bail application on behalf of petitioner nos. 2 and 3, above named, is dismissed as withdrawn.

Learned counsel for the petitioners submits that these petitioners are stated to be the members of alleged mob consisting of more than 200 persons and the said mob is alleged to have pelted stones at construction site of polytechnic college and no one sustained injury in the alleged occurrence, against the petitioner there is no specific allegation. Further submission is that in respect of the place of occurrence which is stated to be a piece of land over which a polytechnic college is proposed to be constructed a title suit bearing no. 34 of 2018 is running and the dispute involves a question of title and in the present case similarly situated co-accused person namely Dhurandhar Prasad Chaurasiya has been granted bail by this Court vide order dated 07.10.2020 passed in Cr. Misc. No. 23521 of 2020 and the allegation against the petitioners is simple in nature.

Learned APP has opposed the prayer of bail.

Having considered the above submissions and the petitioners' case being similar to co-accused person namely



Dhurandhar Prasad Chaurasiya who has been granted pre arrest bail and as per paragraph no. 3 of bail petition this petitioner has got no criminal antecedent let the petitioner nos. 1 and 4 above named, in the event of their arrest/surrender within four weeks from today in the court below, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No. 585 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shailendra Singh, J)

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