

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11550 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- SIDHWALIYA District- Gopalganj

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1. Ashok Mahto, male, aged about 50 years, S/o Basudev Mahto
 2. Jiut Mahto, male, aged about 25 years, S/o Late Jamdar Mahto
 3. Dhiraj Kumar, male, aged about 22 years, S/o Chhathu Mahto
 4. Mukesh Kumar Mahto, male, aged about 38 years, Son of Dev Kumar Mahto

All are residents of Village - Surhiya, P.S. - Shidhwalia, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 31-03-2022 As requested, Mr. Ramadhar Shekhar, the learned Advocate for the petitioners is permitted to make necessary correction in the name of the father of petitioner No. 4 during the course of the day.

The petitioners seek bail in anticipation of their arrest in connection with Sidhwalia P.S. Case No. 183 of



2020, dated 21.08.2020, instituted for the offences under Sections 341, 323, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

This Court had called for the case diary *vide* order dated 23.12.2021.

The case diary has since been received.

The petitioners are alleged to have assaulted two of the victims, one of whom has received grievous injuries. The other victim has received only simple injuries on his person.

There is a counter version of the occurrence as well in which transaction it is claimed that persons from the side of the petitioners also have received injuries. However, nothing has been brought on record in support of the afore-noted statement.

Be that as it may, it has been submitted on behalf of the petitioners that during the course of investigation, it has come to light that petitioner Nos. 3 and 4 were not even present at the time of the occurrence. This statement has been made by some of the witnesses during the course of



investigation and such such contention has been found to be correct in the supervision note of the superior police officer.

Considering this aspect of the matter, the petitioner Nos. 3 and 4, namely, Dhiraj Kumar and Mukesh Kumar Mahto, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Gopalganj in connection with Sidhwalia P.S. Case No. 183 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

So far as petitioner Nos. 1 and 2, namely, Ashok Mahto and Jiut Mahto are concerned, though there is general and omnibus allegation against them and others of having assaulted two of the victims, but since one of them has received grievous injuries and there is no such corresponding evidence of their absence from the place of occurrence as has been found with respect to petitioner Nos. 3 and 4, their



prayer for anticipatory bail is, hereby, rejected.

However, if petitioner Nos. 1 and 2 surrender before the Court below and seek bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on their behalf has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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