

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11853 of 2021

Arising Out of PS. Case No.-1 Year-2019 Thana- EKCHARI District- Bhagalpur

1. Arbind Mahto @ Arbind Kumar Mahto, aged about 34 years, Gender-Male, Son of Late Kashi Mahto, Resident of Village- Bakiya Diyara (Bari Bind Toli), P.S.- Barari, Distt- Katihar.
2. Umesh Mahto, aged about 32 years, Gender-Male, Son of Late Kashi Mahto, Resident of Village- Bakiya Diyara (Bari Bind Toli), P.S.- Barari, Distt- Katihar.
3. Gulli Mahto @ Gulab Chand Mahto, aged about 30 years, Gender-Male, Son of Late Kashi Mahto Resident of Village- Bakiya Diyara (Bari Bind Toli), P.S.- Barari, Distt- Katihar.
4. Bateshwar Mahto, aged about 28 years, Gender-Male, Son of Late kashi Mahto Resident of Village- Bakiya Diyara (Bari Bind Toli), P.S.- Barari, Distt- Katihar.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bhola Prasad, Advocate
For the Opposite Party	:	Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2022 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 A.P.P. for the State.

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 connection with Ekchari P.S. Case No. 01 of 2019 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 379, 307, 385, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 08.01.2019 at about 8.00 A.M., the informant was going to his home to *Khushalpur* from *Shermari Bazaar* and when he reached near *Kandidhar Pull* then Arvind Mahto (petitioner no. 1), co-accused Naresh Mahto, Umesh Mahto (petitioner no. 2), Gulli Mahto (petitioner no. 3) and Bateshwar Mahto (petitioner no. 4), who were present on the *Pull* and were waiting for him stopped his Motorcycle forcibly and abused him. They also demanded extortion of Rs. 2,00,000/- and threatened him for dire consequences in case he did not give the money. When the informant objected they all assaulted him with *Lathi* and snatched gold chain from his neck and gold ring from his finger worth Rs. 87,000/- and they also took out cash of Rs. 1,00,000/- from the right pocket of his *Full Pant* and they started to pull him towards the field with intention to kill him when the informant raised alarm then they imparted blow with *Hasua*, due to which, the middle finger of his right hand was cut. Hearing the noise, his father alongwith the local villagers came



there then co-accused Naresh Mahto imparted blow with *Iron rod* on the head of his father with intention to kill him and his father was badly injured and became unconscious. The matter was reported to the police with some delay as he was badly injured.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The allegation of extortion of money is denied by the petitioners. General and omnibus allegation has been made against them. The specific allegation of assault is alleged against co-accused Naresh Mahto and causing injury to the father of the informant.

On behalf of the learned counsel for the State, it has been 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 the learned C.J.M. Bhagalpur, in connection with Ekchari P.S. Case No. 01 of 2019, 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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