

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69710 of 2019

Arising Out of PS. Case No.-172 Year-2019 Thana- BASANTPUR District- Siwan

1. SHARWAN KUMAR MAHTO @ SHARWAN KUMAR Son of Ashok Mahto Resident of Village - Babhnauli, P.S.- Basantpur, (Larki Nabiganj O.P.), Distt - Siwan.
2. Sumitra Devi Wife of Ashok Mahto Resident of Village - Babhnauli, P.S.- Basantpur, (Larki Nabiganj O.P.), Distt - Siwan.
3. Ranjan Kumar Mahto @ Ranjan Kumar Son of Ashok Mahto Resident of Village - Babhnauli, P.S.- Basantpur, (Larki Nabiganj O.P.), Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Prasad, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 12-04-2022 By order dated 16-03-2020, the notice was issued upon the O.P. No. 2 through both processes. From perusal of office note dated 23-12-2021, it appears that the O.P. No. 2 has personally received the notice but today no one is appearing on behalf of O.P. No. 2.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Basantpur P.S. Case No. 172 of 2019 registered for the offence under Sections 341, 323, 325, 307, 34 of the Indian Penal Code.

Prosecution case in short is that the informant along with



his father Kripal Mahto was in his Bathan. The accused persons were fighting with their grand parents. On intervention of father of the informant in the said quarrel, the petitioner No. 1 is said to have hit a fighter blow on the head of the father of the complainant/informant and thereafter the other petitioners assaulted the informant who received injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code is attracted in the present case. Rest of the offences are triable by Magistrate. The petitioner No. 2 is a lady.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Siwan/concerned court/Successor court in connection with Basantpur P.S. Case No. 172 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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