

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3231 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. RANJEET MAHTON @ RANJEET MAHTO Son of Late Lali Mahto @
Late Loli Mahto R/V- Suja, P.S- Muffasil, Dist- Begusarai
 2. Gautam Kumar Son of Kirandeo Mahto @ kirandev Mahto R/V- Suja, P.S-
Muffasil, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Muffasil P.S. Case No. 392 of 2022 for the offence
registered under sections 341, 323, 427, 379, 386, 387, 354(B),
504, 506 and 34 of the Indian Penal Code lodged on 28.07.2022
by the informant, Shivdat Kumar Singh.

As per the prosecution story:-

(i) while he was constructing the boundary wall of his
agricultural field six FIR named accused persons armed



variously including the petitioner started breaking the boundary wall of agricultural field;

(ii) the informant repeatedly requested all the accused persons not break the boundary wall but the accused persons did not accepted his request;

(iii) the informant being a teacher thereafter started to raise '*hulla*' and one of the accused person namely Ramadhar Mahto told him that why he has not paid Rs. five lakhs which has been earlier demanded and without payment of that amount why he has constructing the boundary wall and after that the accused persons broken the boundary wall;

(iv) the informant has further alleged that the FIR named accused persons namely Rudal Mahto and Ram Mahto have assaulted by way of iron rod over his head. However, the informant managed to save himself but the assault of rod hit his right shoulder.

(v) further it has been alleged that Ranjit Mahto assaulted the informant by way of spade;

(vi) the informant has further alleged that Gautam Kumar and Chamru Mahto snatched of Rs. 25,000/- cash from his pocket kept for the purpose of labour payment.

(vii) the informant has further stated that Ramadhar



Mahto snatched golden ring and golden chain from the informant;

(viii) out of fear the informant has raised hulla whereafter the co-villagers came and the accused persons fled away;

(ix) the informant further alleged that the accused persons also misbehaved with the lady Ranju Devi and torned her sari and assaulted her.

Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioners with the help of paragraph-9 of the petition that main allegation is/are against Rudal Mahto and Ram Mahto. So far as the petitioner no. 1 (Ranjeet Mahton @ Ranjeet Mahto) is concerned, allegation against him is of using '*kudaal*' to assault and regarding petitioner no. 2 (Gautam Kumar) allegation is of snatching Rs. 25,000/-.

It has been submitted by the learned Counsel for the petitioners that although, the allegation of assault is there, it is his undertaking on the basis of instruction so available that the informant has not sustained any injury and if it is found that there was an Injury Report, the petitioner shall not be entitled for relief.



Learned APP for the State opposes the prayer for bail and stating that the allegation against petitioner no. 1 is of using '*kudaal*'.

In view of the specific averment of the learned Counsel for the petitioner that there is no Injury Report on the record, both the petitioners do not have criminal antecedent, this Court is inclined to extend them relief.

If however, it is found that there was injury on the person of the informant, the anticipatory bail granted to the petitioner no. 1 (Ranjeet Mahton @ Ranjeet Mahto) shall become infructuous.

In the aforesaid circumstances the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 392 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C. with the further condition:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show



their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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