

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22356 of 2023

Arising Out of PS. Case No.-275 Year-2021 Thana- NARDIGANJ District- Nawada

1. SHAILESH PRASAD @ SHAILESH MAHTO SON OF LATE RAMADHIN MAHTO @ LATE ADHIN MAHTO R/O VILLAGE- MORAMBAG, P.S.- NARDIGANJ, DSITRICT- NAWADA
2. SANTOSH KUMAR @ SANTOSH KUMAR KUSHWAHA SON OF ANANDI PRASAD @ ANANDI MAHTO R/O VILLAGE- MORAMBAG, P.S.- NARDIGANJ, DSITRICT- NAWADA
3. KARAN KUMAR @ JAIKARAN KUMAR @ KARN KUMAR SON OF AMIRAK MISTRY R/O VILLAGE- MORAMBAG, P.S.- NARDIGANJ, DSITRICT- NAWADA
4. PAPPU KUMAR SON OF ASHOK PRASAD @ ASHOK MAHTO R/O VILLAGE- MORAMBAG, P.S.- NARDIGANJ, DSITRICT- NAWADA
5. MITHILESH KUMAR @ MITHILESH PRASAD SON OF SOHRAI MAHTO R/O VILLAGE- MORAMBAG, P.S.- NARDIGANJ, DSITRICT- NAWADA
6. AKHILESH KUMAR @ AWADHESH PRASAD SON OF RAGHU NANDAN MAHATO R/O VILLAGE- MORAMBAG, P.S.- NARDIGANJ, DSITRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-06-2023 At the outset of argument learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner No.6, AKHILESH KUMAR @ AWADHESH PRASAD.

Prayer is allowed.

This anticipatory bail petition is dismissed as



withdrawn against petitioner No.6.

Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 323, 354, 392, 427, 435 and some other ancillary Sections of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 26/11/2021 at 6 PM all the FIR named accused persons, including these petitioners, along with 35 unknown persons came and attacked the house of informant. The co-accused, Pramod Mahto @ Pramod Don was armed with pistols whereas other accused persons were armed with gun, Gandasa, Lathi, iron rod and sword. Pramod Mahto and Abhimanyu Kumar started at his house. The accused persons had broken CCTV camera LED, Fridge, Goderej and took out Rs. 95,000/- by breaking the lock of the box. They also set on fire the school vehicle and damaged Scorpio parked in the house. Co-accused, Pramod Don and Abhimanyu Kumar entered into the room by breaking the door and sexually assaulted Reshmi Kumari and Aarti Devi.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in



the case. It is further submitted that specific accusation of firing and committing sexual assault is against co-accused, Pramod Don and Abhimanyu Kumar and so far these petitioners are concerned allegation is general and omnibus. Petitioners have got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case and clean antecedent of the petitioners, let the petitioners No. 1 to 5, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st class, Nawada in connection with Nardiganj PS case No. 275/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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