

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17653 of 2023

Arising Out of PS. Case No.-383 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. ROHIT KUMAR MAHTO @ PAPPU KUMAR @ PAPPU MAHTO SON OF AMARNATH MAHTO R/O KARPURI NAGAR, WARD NO.15, P.S.- TOWN (SIKANDARPUR O.P.), DISTRICT- MUZAFFARPUR, PIN-842001
 2. RAJA MAHTO SON OF DINESH MAHTO R/O KARPURI NAGAR, WARD NO.15, P.S.- TOWN (SIKANDARPUR O.P.), DISTRICT- MUZAFFARPUR, PIN-842001
 3. CHIKU KUMAR @ ABHISHEK KUMAR SON OF LAL MOHAN MAHTO R/O KARPURI NAGAR, WARD NO.15, P.S.- TOWN (SIKANDARPUR O.P.), DISTRICT- MUZAFFARPUR, PIN-842001
 4. VIJAY KUMAR @ VIJAY MAHTO SON OF LALAN MAHTO R/O KARPURI NAGAR, WARD NO.15, P.S.- TOWN (SIKANDARPUR O.P.), DISTRICT- MUZAFFARPUR, PIN-842001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Town (Sikandarpur O.P.) P.S. Case No. 383 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307, and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding several named



and unknown accused persons having intercepted the informant while he was returning back to his house, after purchasing household articles from the market, on the alleged date and time of occurrence, whereafter they are alleged to have assaulted him.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that earlier the petitioners were having a clean antecedent, however, pertaining to the same incident, they have been made accused not only in the present case but also in one another case filed by some other person. It is also submitted that a general and omnibus allegation has been levelled against the petitioners and the present case arises out of case and counter case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners and the present case arises out of case and counter case, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Town (Sikandarpur O.P.) P.S. Case No. 383 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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