

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23257 of 2023

Arising Out of PS. Case No.-322 Year-2021 Thana- RAMGARHWA District- East Champaran

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1. Sebi Mahato S/O Late Manish Mahato R/O Village- Panchbhiriya, P.S- Ramgarhwa, Distt.- East Champaran, Motihari.
 2. Ram Prakash Mahato S/O Bachcha Mahato R/O Village- Panchbhiriya, P.S- Ramgarhwa, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Ramgarhwa P.S. Case No.322 of 2021, registered for offences under Sections 341, 323, 325, 307, 379, 504/34 of the IPC.

The case of the prosecution, according to the informant, is that on 20.12.2021, when the nephew of the informant had gone to his field, he found that one co-accused person, namely, Bachcha Mahato was extracting water from the field and upon protest being made an altercation had taken place, whereafter, the nephew of the



informant had returned back his home and informed about the said incident. It is further alleged that after some time, when the informant was driving his tractor laden with sugarcane, through the pathway situated near the house of the said Bachcha Mahato, the accused persons including the petitioner herein had arrived there and stopped the tractor of the informant, whereafter the said co-accused person namely Bachcha Mahto had assaulted the informant with *lathi* (stick) and then the accused persons had snatched a sum of Rs.5000/- from the informant and fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioners are concerned, they have not been alleged to have engaged in any sort of overt act, hence they are not having any complicity in the matter.



Per contra, the learned APP for the State has vehemently opposed the prayer for 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 the petitioners have not been alleged to have assaulted the informant or his family members, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul at Motihari, East Champaran in connection with Ramgarhwa P.S.



Case No.322 of 2021, subject to the conditions as
laid down under Section 438(2) of the Code of
Criminal Procedure.

(Mohit Kumar Shah, J)

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