

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22136 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- DARIYAPUR District- Saran

1. Mosaheb Mahto S/O Late Jammu Mahto @ Jammu Prasad Resident Of Village- Tarwan Magarpur, P.S.- Dariapur, District- Saran At Chapra.
2. Rahul Mahto @ Rahul Kumar S/O Mosaheb Mahto Resident Of Village- Tarwan Magarpur, P.S.- Dariapur, District- Saran At Chapra.
3. Rohit Mahto @ Rohit Kumar @ Babban Mahto S/O Mosaheb Mahto Resident Of Village- Tarwan Magarpur, P.S.- Dariapur, District- Saran At Chapra.
4. Pappu Mahto @ Pappu Kumar S/O Surendra Mahto Resident Of Village- Tarwan Magarpur, P.S.- Dariapur, District- Saran At Chapra.
5. Mukesh Chaudhary S/O Sheopujan Chaudhary Resident Of Village- Tarwan Magarpur, P.S.- Dariapur, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. M.N. Parvat, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioners; learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Dariapur P.S. Case No. 10 of 2023 instituted under Sections 341, 323, 324, 380, 307, 448, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, during the *panchayati*, the accused persons including the petitioners assaulted the informant by fists and legs and petitioner No. 3 assaulted



Santosh Singh and Amarjeet Singh by iron rod and accused Rahul Kumar assaulted them with dab causing injury to them and the petitioner No. 1 also fired but no one got injury. The petitioners also looted ornaments and Rs. 50,000/- from the house of the informant.

4. Learned counsel for the petitioners submits that during the *panchayati*, the scuffle took place between the parties due to which both the parties got simple injuries and a case and counter case has been filed by the parties. The injury of the injured was found simple in nature and during the investigation, police found both the cases as true. However, Section 307 has not been found in both cases. Petitioner No. 1 has seven criminal antecedents out of which he has been acquitted in two cases and in other cases he is on bail and the said cases have been instituted as the Petitioner No. 1 is current *Mukhia* of the village since 25 years and due to enmity, the said cases have been filed against him. Petitioner Nos. 2 and 4 have no criminal antecedent. Petitioner No. 3 has one criminal antecedent and petitioner No. 5 has two criminal antecedents in which they are on bail.

5. Learned counsel for the informant submits that witnesses have corroborated the version of the prosecution case



and petitioners have actively participated in the offence and looted the ornaments and cash from the house of the informant and they are not entitled for anticipatory bail.

6. Learned APP for the State submits that petitioner No. 1 has many criminal antecedents and opposes the prayer for anticipatory bail.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, the injuries are simple in nature and the said occurrence took place during the panchayati, I am inclined to grant anticipatory bail to the petitioners. In the event of arrest or surrender before the Court below within six weeks from today, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to each to the satisfaction of the learned A.C.J.M. 13th Saran at Chapra in connection with Dariapur P.S. Case No. 10 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, with the following conditions:-

(i) The petitioners will remain present on each and every date fixed by the Court below.

(ii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners



will be liable to be cancelled by the Court concerned.

(Sunil Dutta Mishra, J)

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