

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25753 of 2023

Arising Out of PS. Case No.-64 Year-2017 Thana- DULHIN BAZAR District- Patna

Mantosh Kumar Varma @ Mantosh Kumar Son Of Ram Vilash Mahto @
Vilash Mahto Resident Of Village-Lala Bhadsara, P.S.-Dulhin Bazar, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Rakesh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Uma Shankar Prasad Singh,
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Dulhin Bazar P.S. Case No. 64 of 2017 registered under
Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 379, 504
and 506 of the Indian Penal Code read with Section 27 of the
Arms Act.

3. The prosecution story, in brief, is that the
petitioners and other accused persons assaulted on the head of
the informant with *lathi* and also assaulted his family members.
The co-accused person, namely, Vindeshwar Mahto also
snatched Rs. 2000/- from the pocket of the informant and
ornament worth Rs. 25,000/- from Asha Devi.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to previous enmity. There is general and omnibus allegation against the petitioner. The petitioner has no criminal antecedent. Learned counsel further submits that the co-accused namely, Ram Subhag Mahto against whom specific allegation of assault had been leveled has already been granted bail vide order dated 21.09.2017 passed in Cr. Misc No. 43157 of 2017. Learned counsel further submits that other co-accused persons namely, Ramsevak Mahto and Jitendra Mahto have already been granted bail by other Coordinate Benches of this Court vide order dated 14.02.2022 passed in Cr. Misc. No. 38807 of 2021.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, there is general and omnibus allegation levelled against the present petitioner other co-accused person namely, Ram Subhag Mahto against whom specific allegation of assault leveled has already been granted bail vide order dated 21.09.2017 passed in Cr. Misc No. 43157 of 2017. The petitioner, at the best, can be considered to be the member of mob. The petitioner has made



out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned J.M.-I, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 64 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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Minu/-

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