

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25098 of 2023

Arising Out of PS. Case No.-465 Year-2022 Thana- BIBHUTIPUR District- Samastipur

1. Vinod Mahto @ Vinod Kumar Vinay Son Of Satyadev Mahto R/O Village- Raghapur Tola, Dumariya, P.S.- Bibhutipur, District- Samastipur
2. Umesh Mahto Son Of Satyadev Mahto R/O Village- Raghapur Tola, Dumariya, P.S.- Bibhutipur, District- Samastipur
3. Sudhir Kumar @ Sudhir Mahto Son Of Umesh Mahto R/O Village- Raghapur Tola, Dumariya, P.S.- Bibhutipur, District- Samastipur
4. Subodh Mahto @ Subodh Kumar Sudhanshu Son Of Umesh Mahto R/O Village- Raghapur Tola, Dumariya, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Ramakant Akela, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Bibhutipur P.S. Case No. 465 of 2022 registered for the offence punishable under Section 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

There is allegation in the FIR that the petitioners have indiscriminately assaulted the informant. It is due to assertion of claim of ownership on land by the prosecution side as well as accused persons, which is evident from the FIR itself.



Learned counsel for the petitioner submits that the present case is a sequel to the earlier cases lodged by the same informant or at his instance, details of which has been stated by the petitioner in paragraph 3 of the bail application. Falsity is writ large on the allegations, which have been lodged by way of an FIR on 15.12.2022 for occurrence alleged to have taken place on 30.11.2022. The injury report is of 20.12.2022. The nature of injury is stated to be simple. The petitioners are repeatedly being made victim of false and malicious prosecution at the hands of the informant.

Learned APP opposes the prayer for anticipatory bail. It is submitted that as per injury report, the injury has sustained on vital part of the body. There are antecedents of the petitioner also.

Considering the rival submissions, the sequence of events noted above, delay in lodging FIR and earlier case lodged by the same informant, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Rosera (Samastipur) in connection with Bibhutipur P.S. Case No. 465 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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