

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.32487 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- SIMRI BAKHTIYARPUR District- Saharsa

1. Shivbalak Kumar Mahto @ Shivalak Mahto @ Shiv Balak Mahto, Male aged about 31 years, Son Of Vijay Mahto Resident Of Village - Kanariya Ward No.1, P.S. - Simri Bakhtiyarpur (Kanariya O.P.), District - Saharsa
2. Rajesh Mahto, Male, aged about 38 years, Son Of Gango Mahto, Resident Of Village - Kanariya Ward No.1, P.S. - Simri Bakhtiyarpur (Kanariya OP), District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-07-2023 Heard Mr. Amarnath Jha, learned counsel appearing on behalf of the petitioners and Mr. Surendra Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Simri Bakhtiyarpur (Kanariya OP) P.S. Case No. 436 of 2022 registered for the offence punishable under Sections 341, 342, 323, 353, 379, 332, 504 and 506/34 of the Indian Penal Code.



3. Allegation is of snatching of Oppo mobile phone and Rs. 13,500/- from the pocket of the meter reader in front of the Junior Engineer of North Bihar Power Holding Company.

4. Learned counsel appearing on behalf of the petitioners submitted that there is general and omnibus allegation made against the petitioners. Petitioners can only be held one of the members of the mob. Petitioners are innocent and have falsely been implicated in the present case. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners is general and omnibus. Petitioners can only be held one of the members of the mob. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection



with Simri Bakhtiyarpur (Kanariya OP) P.S. Case No. 436 of
2022, subject to the condition as laid down under Section 438(2)
of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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