

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30399 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- PAHARPUR District- East Champaran

1. HARI MAHTO SON OF LATE BHOLA MAHTO RESIDENT OF VILLAGE- NAYA GAW, BHUTAHAN PS- PAHARPUR, DISTT- EAST CHAMPARAN
2. VISHWANATH MAHTO SON OF HARI MAHTO RESIDENT OF VILLAGE- NAYA GAW, BHUTAHAN PS- PAHARPUR, DISTT- EAST CHAMPARAN
3. NAINI DEVI WIFE OF HARI MAHTO RESIDENT OF VILLAGE- NAYA GAW, BHUTAHAN PS- PAHARPUR, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 324, 379, 307 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 3 is a woman.

4. The informant alleges that Vishwanath assaulted him by spade causing injury on head and Hari



assaulted Rangeela by *farsa* causing injury on head and rest of the accused persons assaulted his family members.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the F.I.R., it would manifest that no specific allegation of assault is alleged against the petitioner no. 3. It is further submitted that petitioners and the informant are *agnates* and on account of dispute relating to cutting of bamboo, an altercation took place in which both sides assaulted each other. It is also submitted that petitioner no. 1 instituted Paharpur P.S. Case No. 194 of 2022 against the side of the informant and later on intervention of the well-wishers, the case was compromised as would be evident from *Annexure-2*.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today,



be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Paharpur P.S. Case No. 176 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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