

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34616 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- KOTWA District- East Champaran

1. Sangita Devi Wife of Rabindra Mahto, R/o Village- Bishunpurdih P.S.- Bhopatpur (OP) Dist- East Champaran.
2. Birendra Mahto Son of Late Ramashish Mahto, R/o Village- Bishunpurdih P.S.- Bhopatpur (OP) Dist- East Champaran.
3. Vishwanath Mahto, S/o Late Murat Mahto, R/o Village- Bishunpurdih P.S.- Bhopatpur (OP) Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 At the outset, learned counsel for the petitioners seeks permission to make necessary correction in the cause title of the bail petition in course of the day.

2. Permission is accorded.

3. Heard Mrs. Rashmi Jha, learned counsel for the petitioners and learned APP for the State.

4. The petitioners apprehend their arrest in connection with Kotwa (Bhopatpur) P.S. Case No. 51 of 2023 registered for the offences punishable under Section 307 and other allied Sections of the Indian Penal Code.

5. It is alleged that in course of vehicle checking, the



police apprehended a person Upendra Kumar @ Bholu in a drunken condition. However, on the call of the said apprehended person, altogether 20 named and 50-60 unknown persons armed with *lathi*, *danda*, bricks etc. came there and started raising objection and assaulted the police personnel. It is also alleged that the accused persons damaged the police vehicles and also tried to snatch their arms.

6. Submission has been made on behalf of the petitioners that omnibus allegation has been levelled against 20 named and 50-60 unknown persons and no specific overt act has been attributed against the petitioners. She further submitted that save and except disclosure made by local chowkidar, there is no material suggesting the complicity of the petitioners. That apart, neither any injury has sustained to the police party nor the vehicle has been damaged. She lastly submitted that the petitioners are the person of fair antecedent and they undertake that they will fully cooperate in the investigation.

7. On the other hand, learned counsel for the State opposed the application.

8. Having regard to the submissions made on behalf of the parties and considering the nature of allegation and the fact that none has sustained any injury, coupled with the fair



antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Motihari, East Champaran in connection with Kotwa (Bhopatpur) P.S. Case No. 51 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

