

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44801 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- RAXAUL District- East Champaran

1. BIKEE KUMAR SON OF ARJUN MAHTO RESIDENT OF VILLAGE- SINGHPUR HARAIYA, PS- HARAIYA O.P. RAXAUL, DISTRICT- EAST CHAMPARAN
2. ARJUN MAHTO SON OF LATE RAM DEO MAHTO RESIDENT OF VILLAGE- SINGHPUR HARAIYA, PS- HARAIYA O.P. RAXAUL, DISTRICT- EAST CHAMPARAN
3. DABLU KUSHSWAHA SON OF BYASH MAHTO RESIDENT OF VILLAGE- SINGHPUR HARAIYA, PS- HARAIYA O.P. RAXAUL, DISTRICT- EAST CHAMPARAN
4. BABLU KUSHWAHA @ BABLU KUMAR SON OF BYASH MAHTO RESIDENT OF VILLAGE- SINGHPUR HARAIYA, PS- HARAIYA O.P. RAXAUL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2023 Heard the parties.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.3, as he has already been arrested.

3. Permission is granted.

4. Accordingly, the prayer for anticipatory bail on behalf of the petitioner no.3 is dismissed as infructuous.

5. Now, the present application is being heard for consideration of anticipatory bail of petitioner nos.1, 2 and 4.



6. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 324, 307, 379, 504, 506, 34 of the IPC.

7. As per the prosecution case, the petitioners and other accused persons assaulted the informant and his son by means of various deadly weapons.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. For the alleged occurrence, there is case and counter-case between the parties. The injuries were found simple in nature, which is clear from the impugned order, where, the dimension of the injury is mentioned but its nature is not mentioned. Petitioners have no criminal antecedent.

9. Learned APP for the State opposed the prayer for bail.

10. Having regard to the facts and circumstances of the case, since the injuries are simple in nature, let the above named petitioner nos.1, 2 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Raxaul (Haraiya) P.S. Case No.127 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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