

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43411 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- BAKHARI District- Begusarai

1. Ram Sagar Mahto, Son of Late Ram Sundar Mahto, Resident of village - Mahadev Chak, P.S. - Bakhri, Distt. - Begusarai
2. Suraj Mahto, Son of Ram Sagar Mahto, Resident of village - Mahadev Chak, P.S. - Bakhri, Distt. - Begusarai
3. Anil Mahto, Son of Ram Sagar Mahto, Resident of village - Mahadev Chak, P.S. - Bakhri, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma, Adv.
For the State	:	Mr. Md. Mushtaque Alam, APP
For the informant	:	Mr. Binod Kumar, Adv.
		Mr. Rahul Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Bakhri P.S. Case No. 96 of 2023 dated 12.04.2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code pending in the learned Court below.

3. As per the prosecution story, the informant alleged that these petitioners assaulted him and his grandson by means of *khanti* and *farsa*. He further alleged that when his wife came to rescue him, these accused person assaulted his wife and



snatched a golden ear-ring from her.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. He submits that there is specific allegation against the petitioner no. 1, who assaulted the informant by means of *Khanti* and the injury was found grievous in nature and this fact has come in the order impugned. He further submits that the allegations against the petitioner nos. 2 and 3 are also of assaulting the informant and his family members but the injuries were found simple in nature. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances and the fact that the injury of informant authored by petitioner no. 1 is grievous in nature, I am not inclined to grant anticipatory bail to petitioner no.1. Accordingly, prayer for anticipatory bail of petitioner no. 1 is hereby rejected.

7. However, regarding petitioner nos. 2 and 3, the injuries caused by them were found simple in nature, I am inclined to grant anticipatory bail to them. Accordingly, let the



petitioner nos. 2 and 3, named above, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor Court, in connection with Bakhri P.S. Case No. 96 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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