

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42363 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- DALSINGHSARAI District- Samastipur

1. PRAMOD KUMAR @ PRAMOD MAHTO S/o Ramakant Mahto R/o Vill.-Bhatgama-Ward No.-27, P.S.-Dalsinghsarai, Dist.-Samastipur
2. RAMAKANT MAHTO S/o Late Reveti Mahto R/o Vill.-Bhatgama-Ward No.-27, P.S.-Dalsinghsarai, Dist.-Samastipur
3. PAPPU MAHTO S/o Late Rambali Mahto R/o Vill.-Bhatgama-Ward No.-27, P.S.-Dalsinghsarai, Dist.-Samastipur
4. PRAVEEN MAHTO @ PALI MAHTO S/o Late Rambali Mahto R/o Vill.-Bhatgama-Ward No.-27, P.S.-Dalsinghsarai, Dist.-Samastipur
5. VIMAL MOHTA @ VIMAL MAHTO S/o Late Rambali Mahto R/o Vill.-Bhatgama-Ward No.-27, P.S.-Dalsinghsarai, Dist.-Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-08-2023 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 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.
3. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 5 (Vimal Mohta).
4. Permission is accorded.



5. The informant alleges that on 29.01.2023, he had given Rs. 3,50,000/- to Pramod for making grill and shutter but despite all endeavors the grill and shutter was not made and when he demanded the grill, the accused persons assaulted him and his family members causing injury.

6. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

7. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the dispute relates to making of grill and shutter, it is further submitted that no specific allegation of assault is alleged against any of the accused persons. It is further submitted that from the side of petitioners also, an FIR has been instituted by Praveen Mahto who is petitioner No. 4 in the present case against the informant, it is next submitted that since allegation of assault is not specific nor the impugned order records that grandson or the wife of the informant received any injury, would it be prudent to send the petitioners to jail when they have their own version of the case about the occurrence.

8. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

9. 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 Dalsinghsarai P.S. Case No. 142 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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