

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45495 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Raju Mahto @ Rajeev Kr. Singh S/O Late Mahesh Mahto @ Mahesh Prasad Singh R/O Village- Bishnupura, P.S. Chapra Muffasil, Dist. Saran
2. Chandeshar Mahto @ Chandeshwar Mahto @ Chandeshwar Singh @ Chandreshar Mahto S/O Late Pyar Mahto @ Late Pyar Chandra Singh R/O Village- Bishnupura, P.S. Chapra Muffasil, Dist. Saran
3. Makeshar Mahto @ Makeswar Mahto @ Makeswar Singh S/O Late Pyar Mahto @ Late Pyar Chandra Singh R/O Village- Bishnupura, P.S. Chapra Muffasil, Dist. Saran
4. Dhodha Mahto @ Madeshwar Mahto @ Madeshwar Singh S/O Late Pyar Mahto @ Late Pyar Chandra Singh R/O Village- Bishnupura, P.S. Chapra Muffasil, Dist. Saran
5. Sudeshar Mahto @ Sudeshwar Mahto @ Sudeshwar Singh S/O Late Pyar Mahto @ Late Pyar Chandra Singh R/O Village- Bishnupura, P.S. Chapra Muffasil, Dist. Saran
6. Sudaren Mahto @ Sudarshan Mahto @ Sudarshan Singh S/O Late Pyar Mahto @ Late Pyar Chandra Singh R/O Village- Bishnupura, P.S. Chapra Muffasil, Dist. Saran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Ansul, Advocate
		Mr. Aditya Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in this case are seeking pre-arrest
bail in connection with Muffasil P.S. Case No. 213 of 2023
registered for the offence punishable under Sections 341, 323,
324, 307/34 of the Indian Penal Code. They have no criminal

antecedent.

3. As per the prosecution story, on 17.03.2023 at about 04:30 P.M. when the informant and his wife were going outside the house, the FIR named accused persons were caught selling liquor in front of their house. When the informant protested, one Raju Mahto assaulted the informant's wife with an intention to kill her by means of rod, sword and *khanti*. When the brother and son of the informant came to rescue them, they were also assaulted.

4. Learned counsel for the petitioner submits that there is a case and counter case between the parties on a petty issue that while the son of petitioner no. 1 was playing cricket, his ball went to the field of the informant and both the sides have indulged in free fight. It is submitted that the petitioner no. 1 has himself suffered grievous injury. It is further submitted that the informant side have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 57731 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submissions that there is a case and counter case between the parties, the alleged quarrel

took place on a petty issue when the son of the petitioner no. 1 was playing Cricket and the ball went to the field of one Digambar Singh, both sides seem to have indulged in free fight and the petitioner no. 1 has himself been assaulted and he suffered grievous injury, further submission that the allegations in the FIR are general and omnibus and the informant side have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in the counter case in Cr. Misc. No. 57731 of 2023, the petitioners have otherwise no criminal antecedent, hence, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be released on bail in connection with Muffasil P.S. Case No. 213 of 2023 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 learned Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for

cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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