

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43357 of 2023**

Arising Out of PS. Case No.-95 Year-2022 Thana- BHEJA District- Madhubani

1. Rahul Mahto, Son Of Sikandar Mahto, Resident Of Village- Bheja, P.S.- Bheja, District- Madhubani
2. Santosh Mahto, Son Of Badri Mahto, Resident Of Village- Bheja, P.S.- Bheja, District- Madhubani
3. Sikandar Mahto Son Of Badri Mahto Resident Of Village- Bheja, P.S.- Bheja, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate  
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      04-08-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Bheja P.S. Case No. 95 of 2022 registered for the offences punishable under Sections 341, 323, 448, 325, 307, 354, 504, 379 and 34 of the Indian Penal Code. They have got one criminal antecedent in which they are said to be on bail.

3. As per the prosecution story, on 28.10.2022 at about 11 P.M. the FIR named accused persons came to the house of the informant armed with lathi, stick and farsa and started abusing her. When the son of the informant and his wife along



with other family members came to rescue the informant, the accused persons also assaulted them. It is alleged that Rahul Mahto (petitioner no. 1) has assaulted the daughter-in-law of the informant on her head. One Santosh Mahto (petitioner no. 2) assaulted the son of the informant with lathi due to which he sustained fracture in his leg. One Sumitra Devi snatched gold chain from the daughter-in-law of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no allegation against petitioner no. 3 for commission of overt act. Further the injury caused to the daughter-in-law of the informant due to petitioner no. 1 on her head is not found to be grievous in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that the petitioner no. 2 has assaulted the son of the informant due to which he has sustained fracture in his leg and this is reported to be grievous in nature.

6. Having regard to the submission that the petitioner no. 1 allegedly assaulted the daughter-in-law of the informant but there is no repetition of blow and the injury caused is simple in nature as per the injury report and so far as petitioner no. 3 is



concerned, there is no allegation of commission of overt act against him, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 1 and 3 be released on bail in connection with Bheja P.S. Case No. 95 of 2022 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 ACJM-II, Jhanjharpur, Madhubani, 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 petitioner nos. 1 and 3 and in case at any stage it is found that the petitioner nos. 1 and 3 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1 and 3. 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. So far as the allegation against petitioner no. 2 is concerned, he assaulted the son of the informant and caused fracture of his leg and as per injury report, the injury no. 1 is grievous in nature, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner no. 2.



9. His prayer is refused.

10. In case, the petitioner no. 2 surrenders and prays for regular bail, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

11. This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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