

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44032 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. Dinesh Mahto Son Of Late Niras Mahto Resident Of Village- Bangaon, Ps- Bajpatti, Dist- Sitamarhi
2. Rajkumar Son Of Dinesh Mahto Resident Of Village- Bangaon, Ps- Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44485 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. KANHAI KUMAR @ KANHAI CHOUHAN @ KANHAI MAHTO Son of Lalbabu Chouhan Resident of village - Bhutahi Madhubani, P.s. - Sonbarsa, Distt. - Sitamarhi
2. Premlal Mahto Son of Chandrabhushan Mahto Resident of village - Barwa Tola, P.s. - Bajpatti, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44032 of 2023)

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

(In CRIMINAL MISCELLANEOUS No. 44485 of 2023)

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, 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 Bajpatti P.S. Case No.133 of 2022 registered for the offences punishable under Sections 341, 323, 304 and 504/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 15.05.2022 at about 2.30 pm while the informant was returning his house from Sitamarhi, near Barwa Tola of Bajpatti, all the accused persons including these petitioners tried to stop him near the house of co-accused Om Prakash Mahto, but he managed to flee away by his motorcycle. It is alleged that accused Om Prakash overtook him near Genpur chowk by Apache Motorcycle and other accused persons also reached there and thereafter they started assaulting him. All the accused persons were armed with lathi, danda etc. It is further alleged that on getting information when mother of the informant came with 2-3 other villages in his rescue, they were also assaulted by the accused persons. The reason behind the occurrence is a dispute which took place on 13.05.2022 in the marriage of daughter of co-accused Om Prakash.

4. Learned counsel for the petitioners submits that the specific allegations of assault are against co-accused Omprakash and Ramprakash and in course of investigation police had not



charge-sheeted the petitioners but later on the learned Magistrate differed with the police report and summoned the petitioners. It is submitted that the petitioners have otherwise no criminal antecedents.

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

6. Having regard to the submission that the specific allegations are against co-accused Omprakash and Ramprakash, in course of investigation police had not charge-sheeted the petitioners but later on the learned Magistrate differed with the police report summoned the petitioners, they have otherwise no criminal antecedents, hence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitmarhi in connection with Bajpatti P.S. Case No. 133 of 2022, 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. Both the applications stand allowed.

(Rajeev Ranjan Prasad, J)

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