

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45235 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. UDAY KUMAR @ UDAY MAHTO SON OF RAMNATH MAHTO
RESIDENT OF VILLAGE- GENPUR, PS- BAJPATTI, DIST- SITAMARHI
2. GUDDU MAHTO SON OF RAMNATH MAHTO RESIDENT OF
VILLAGE- GENPUR, PS- BAJPATTI, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Jagdhar Prasad, APP
For the informant	:	Mr. Devendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Bajpatti PS case no. 401 of 2022, registered
for the offences punishable under Section 307 and other allied
sections of the Indian Penal Code.
3. The allegation is regarding the accused persons,
totaling 11 in all, having arrived at the house of the informant,
while he was constructing toilet and thereafter, they had
assaulted him and others by *lathi*, *danda*, *garasa* and knife
causing injuries upon the persons of the informant and others.
4. The learned counsel for the petitioners submits that



the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioners are concerned, there is no allegation of them having engaged in any sort of specific overt act, thus it is submitted that the petitioners are having no complicity in the alleged occurrence.

5. *Per contra*, the learned APP for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons and no specific allegation has been levelled regarding the petitioners having engaged in any sort of specific overt act, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioners, in the



event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Sitamarhi in connection with Bajpatti PS case no. 401 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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