

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50522 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. Manish Kumar @ Chandan Son Of Hriday Narayan Mahto Resident Of Village- Bardaha, Police Station- Khodawandpur (O.P. Charahi), District- Begusarai
2. Hriday Narayan Mahto Son Of Late Lakhan Mahto Resident Of Village- Bardaha, Police Station- Khodawandpur (O.P. Charahi), District- Begusarai
3. Ram Chandra Mahto Son Of Late Lakhan Mahto Resident Of Village- Bardaha, Police Station- Khodawandpur (O.P. Charahi), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. .

3. At the outset, learned counsel for the petitioners seeks permission to withdraw the application with regard to the petitioner No. 1 as the petitioner no. 1 has been arrested.

4. Permission is accorded.

5. Accordingly, the application with regard to the petitioner No. 1 stands dismissed as withdrawn.



6. The petitioners are apprehending their arrest in connection with Khodawandpur (O.P. Chaurahi) P.S. Case No. 04 of 2023 dated 02.01.2023 registered for the offences punishable under Sections 341, 323, 307, 354B, 379, 448 and 506 read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 and 4 of the Daain Act.

7. As per the prosecution case, the petitioners and the co-accused persons holding deadly weapons came to the house of the informant and started abusing by saying her witch. Thereafter, on the order of the co-accused Suresh Mahto the petitioner Hriday Narayan Mahto and the co-accused Manjay Kumar outraged the modesty of the informant by disrobing her. When the informant's husband came to rescue, then the petitioner Ram Chandra Mahto ordered the petitioner Manish Kumar to kill upon which he fired on informant's husband which didn't hit him. In the meantime, the petitioners and the co-accused assaulted the informant and her husband with legs and fists and looted Rs. 50,000/-, ornaments and the papers relating to land.

8. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3



of the bail petition. There is general and omnibus allegation against the petitioner. There is a delay of 15 days in lodging the F.I.R from the date of occurrence. Learned counsel has further submitted that the injuries are simple in nature.

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

10. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Manjhaul, Begusarai in connection with Khodawandpur (O.P. Chaurahi) P.S. Case No. 04 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

11. This application stands allowed.

(Chandra Prakash Singh, J)

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