

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51978 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- SAHARGHAT District- Madhubani

1. Parshuram Mahto S/O Phulgen Mahto Resident Of Village- Pihwara, P.S.- Saharghat, District- Madhubani.
2. Naresh Mahto S/O Sobhit Mahto @ Ramsobhit Mahto Resident Of Village- Pihwara, Police Station- Saharghat, District- Madhubani.
3. Phulgen Mahto S/o Ramashish Mahto Resident of Village- Pihwara, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 11-01-2023 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.

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

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

The learned counsel for the petitioner has submitted that the petitioner No. 2 has already been arrested by the police during the pendency of this application. Accordingly, this



anticipatory bail application is dismissed as infructuous.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 341, 323, 354B, 379, 337, 307 and 504 read with 34 of the Indian Penal Code.

As per prosecution case, when the informant was at her home, one Karan Mahto fixed a pole and told her that a construction work under government scheme would be carried out till here. After sometime, the co-accused Vijay Mahto came and uprooted the pole and told that the PCC work would be done till one specific place and started abusing. In the meantime, on the order of the petitioner Parshuram Mahto, the co-accused Naresh Mahto tore the informant's blouse and also snatched her *mangalsutra*, rupees 4,000/- and a mobile phone. Thereafter, Petitioner Phulgen Mahto and the co-accused persons Vishram Mahto, Kiran Devi and Sonavati Devi came there and they also assaulted with *lathi*, *danda*, *phatta*, bricks and stones. When the informant's husband came to rescue, the co-accused Naresh Mahto assaulted him with a *phatta* on his head causing head injury.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The injuries of the injured are simple in nature. The petitioners have



no criminal antecedent as stated at para 3 of the bail petition.

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

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, Benipatti (Madhubani) in connection with Saharghat P.S. Case No. 141 of 2021/G.R. No. 740 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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