

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52695 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Nathuni Mahto @ Nathuni Singh S/O Late Lalbabu Mahto Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
2. Sitaram Mahto @ Sitaram Singh S/O Late Lalbabu Mahto Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
3. Rajendra Kumar S/O Nathuni Mahto Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
4. Raj Kumar @ Raj Kamal Kumar S/O Mahendra Kumar Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
5. Neel Kamal @ Neel Kamal Kumar S/O Mahendra Kumar Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
6. Anil Kumar S/O Nathuni Mahto Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
7. Subansh Kumar S/O Sitaram Mahto Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
8. Sujita Kumari D/O Sitaram Mahto Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
9. Rupa Devi W/O Mahendra Kumar Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
10. Sobha Kumari D/O Mahendra Kumar Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.
11. Bandana Kumari D/O Sitaram Mahto Resident Of Ward No.- 10 ,VILLAGE- Raipur Khanua, P.S- Ujiyarpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 19-08-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Ujiyarpur P.S. Case no.164 of 2023, registered under



sections 147, 149, 341, 323, 308, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant the while he along with others had gathered for *panchayati*, eleven named accused persons including the petitioners herein came variously armed. It is further stated that Mahendra Mahto (not a petitioner herein) gave *farsa* blow on the head of the father of the informant, as a result of which he was injured. It is further stated that Anil Kumar (petitioner no.6) started to assault with a *lathi*. The informant states that the accused persons went away giving threats.

4. Learned counsel for the petitioners submits that there is case and counter case between the parties. The petitioners have been falsely implicated in the case because of land dispute. The allegations are general and omnibus in nature. They have no criminal antecedent.

5. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R. wherein specific allegations having been made against Mahendra Mahto and Anil Kumar, the Court is not inclined to enlarge Anil Kumar on bail and the prayer for anticipatory bail is rejected.



6. Considering the facts and circumstances of the case, it is directed that the remaining ten petitioners, namely, Nathuni Mahto @ Nathuni Singh (petitioner no.1), Sitaram Mahto @ Sitaram Singh (petitioner no.2), Rajendra Kumar (petitioner no.3), Raj Kumar @ Raj Kamal Kumar (petitioner no.4), Neel Kamal @ Neel Kamal Kumar (petitioner no.5), Subansh Kumar (petitioner no.7), Sujita Kumari (petitioner no.8), Rupa Devi (petitioner no.9), Sobha Kumari (petitioner no.10) and Bandana Kumari (petitioner no.11) in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Ujiyarpur P.S. Case no.164 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Dalsinghsarai, Samastipur.

(Partha Sarthy, J)

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