

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56396 of 2023

Arising Out of PS. Case No.-572 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. DAYANAND MAHTO SON OF LATE AYODHI MAHTO @ LATE AYODHYA MAHTO Village- Lagunia Suryakanth, PS- Muffasil Dist- Samastipur
 2. Sikandra Mahto @ Sikandar Kumar Mahto son of Kailash Mahto Village- Lagunia Suryakanth, PS- Muffasil Dist- Samastipur
 3. Bajrangi Kumar @ Ratnesh Ranjan @ Ratinesh Ranjan @ Banjrangi Mahto son of Kailash Mahto Village- Lagunia Suryakanth, PS- Muffasil Dist- Samastipur
 4. Sonu Kumar son of Late Rajesh Mahto Village- Lagunia Suryakanth, Ps- Muffasil Dist- Samastipur
 5. Kailash Mahto son of Ajodhi Mahto @ Late Ayodhya Mahto Village- Lagunia Suryakanth, PS- Muffasil Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 30-08-2023 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 Muffasil PS case no. 572 of 2022, registered for the offences punishable under Section 353 and other allied sections of the Indian Penal Code.
3. The case of the prosecution, in brief, is that the informant got an information on 04.12.2022 that illicit *chulai* countrymade liquor was being manufactured and sold,



whereupon he along with the police force had, at about 7:00 am in the morning of 04.12.2022, gone to the alleged place of occurrence, however the local people, 16 named and 7 to 8 unknown miscreants had surrounded the police force and engaged in scuffle with them.

4. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that apart from petitioner no. 3, all the accused persons are having a clean antecedent and as far as petitioner no. 3 is concerned, he is an accused in one another case but he is on bail in the said case. It is also submitted that a general and omnibus allegation has been levelled against the accused persons. Lastly, it is submitted that injury report, annexed as Annexure-2 series, would show that one of the police personnel has received simple injury while no injury has been found on the person of the other police personnel.

5. *Per contra*, the learned APP for the State has 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 the injury, whatsoever found on the person of the police personnel, has been found to be simple in nature, 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 A.C.J.M.-II, Samastipur in connection with Muffasil PS case no. 572 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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