

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57000 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- SARMERA District- Nalanda

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1. TANIK MAHTO SON OF LATE ARJUN MAHTO RESIDENT OF VILLAGE - PENDI, P.S. - SARMERA, DISTRICT - NALANDA
 2. FULCHAND MAHTO @ PREM PRAKASH KUMAR SON OF KAILU MAHTO RESIDENT OF VILLAGE - PENDI, P.S. - SARMERA, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-09-2023 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners apprehend their arrest in
connection with Sarmera P.S. Case No.38 of 2023 dated
08.03.2023 registered for the offence/s punishable under Section/s
379, 307/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. The main submissions advanced by the
learned counsel for the petitioners are that the allegation of having
committed theft of Khesari crops by the petitioners from the land
of the informant is completely vague and the alleged occurrence is
stated to have taken place on 06.03.2023 but the FIR was lodged
on 08.03.2023, in actual the land in question upon which the
alleged crop was harvested does not belong to the informant and



both the petitioners have fair and clean antecedent and admittedly in the firing allegedly committed by the petitioners the informant did not sustain any injury.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly petitioners' fair and clean antecedent and also the facts that in respect of the quantity of the crop which was allegedly stolen by the petitioners, the allegation made in the FIR is completely vague and the FIR was lodged two days after the commission of the alleged occurrence, in my opinion, in the said circumstances both the petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Sarmera P.S. Case No.38 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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