

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63455 of 2023**

Arising Out of PS. Case No.-895 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. UTTAM MAHTO SON OF BAIDHNATH MAHTO @ TANTU MAHTO  
RESIDENT OF VILLAGE- MAGAIDIH, PS- MUFASSIL, DISTT-  
SARAN
2. SUBHASH MAHTO SON OF BAIDHNATH MAHTO @ TANTU  
MAHTO RESIDENT OF VILLAGE- MAGAIDIH, PS- MUFASSIL,  
DISTT- SARAN
3. HAKIM MAHTO SON OF BAIDHNATH MAHTO @ TANTU MAHTO  
RESIDENT OF VILLAGE- MAGAIDIH, PS- MUFASSIL, DISTT-  
SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |                         |
|----------------------------|-------------------------|
| For the Petitioner/s :     | Mr. Avnish Kumar Singh  |
| For the Opposite Party/s : | Mr. Syed Mojibur Rahman |
|                            | Mr. Bal Krishna Mishra  |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      19-12-2023                      Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 302, 323, 324, 325, 307, 34 of the Indian Penal Code and 27 of Arms Act.

3. Allegedly, the petitioners along with other co-accused persons are said to have brutally assaulted the informant and his son due to which they sustained injuries. It is also alleged that co-accused Jagdeo Mahto fired upon the chest of the son of the informant, namely Mukesh Mahto, due to which he died.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He further submits that the specific allegation is against the co-accused Jagdeo Mahto. He further submits that the deceased and his brother Rakesh Mahto themselves were involved in criminal acts which is also mentioned in the case diary. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that as per the post-mortem report it is clear that the petitioners are also involved in the present case.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Chapra Muffasil P.S. Case No.895 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

shikha/-

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