

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67497 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. Shiv Kumar Mahato S/O Manu Mahato R/O Village-Salehpur, P.S.-Mahammadpur, District-Gopalganj.
2. Hari Kishore Mahato S/O Manu Mahato R/O Village-Salehpur, P.S.-Mahammadpur, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Mahammadpur P.S. Case No. 257 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 19.10.2022 while the informant was sleeping in his house, all the accused persons, including the petitioners, entered his house and tried to strangle him by a towel and when his sister-in-law came, all of them fled away by taking three rice sacks. It is alleged that at

about 4:00 pm on the same day, all the accused persons variously armed came at his house and started abusing him and when the informant protested, he was assaulted on his head due to which he got injured. The other family members of the informant were also assaulted.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that altogether nineteen persons have been made accused in the present case, the allegations against these two petitioners are general and omnibus in nature. The petitioner no.1 has not committed any assault. It is submitted that the petitioner no.2 is alleged to have assaulted one Punam Devi but the impugned order nowhere shows that said Punam Devi has suffered multiple injuries or that any injury is grievous in nature. Learned counsel submits that there is a case and counter case between the parties in which co-accused Jainath Mahato had lodged a complaint giving rise to Mahammadpur P.S. Case No. 258 of 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that these two petitioners are named among nineteen persons named in the

F.I.R. with general and omnibus kind of allegations, there is no specific allegation against the two petitioners, there is nothing to show that the petitioner no.1 committed any assault whereas as regards petitioner no.2, the allegation is that he along with two other co-accused had assaulted one Punam Devi by *farsa* but from the impugned order it does not appear that there are multiple injuries to said Punam Devi or that any injury is grievous in nature and further that a counter case has been lodged by co-accused Jainath Mahato giving rise to Mahammadpur P.S. Case No. 258 of 2022 giving a different version of the story, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Mahammadpur P.S. Case No. 257 of 2022 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 learned Additional Chief Judicial Magistrate-VII, Gopalganj subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their

criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--