

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70332 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- MADHAURAH District- Saran

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1. RAMBABU MAHTO S/O MISHRILAL MAHTO R/O VILLAGE-PAKAHAN, P.S- MARHAURA, DISTT.- SARAN.
 2. RAMJI PRASAD @ RAMJI MAHTO S/O TRILOKI PRASAD R/O VILLAGE- PAKAHAN, P.S- MARHAURA, DISTT.- SARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. At the very outset, learned counsel for the petitioners
seeks permission to withdraw the prayer for anticipatory bail of
the petitioner no.1, as he has already been arrested.

3. Permission is granted.

4. Accordingly, the prayer for anticipatory bail made
through the instant application, on behalf of the petitioner no.1
is dismissed as infructuous.

5. Now, the present application is being heard on the prayer
of grant of anticipatory bail of petitioner no.2 only.

6. The petitioner apprehends his arrest in a case registered



for the offence punishable u/s 341, 323, 324, 307, 379, 504, 506/34 of the IPC.

7. As per the prosecution case, the labourers engaged in construction of house of the informant have been assaulted by the F.I.R. named accused persons and when the informant reached there, they also assaulted him.

8. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties for which a Title Suit is going on. It is submitted that though the injury of one of the injured was found grievous in nature but it is not clear that by which accused person, the same has been inflicted. Petitioner has no criminal antecedent.

9. Learned APP for the State opposed the prayer for bail.

10. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner, let the above named petitioner no.2, be released on bail, in the event of his 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) 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 Morhowrah P.S. Case No.110/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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