

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1955 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- GORAUL District- Vaishali

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1. DEVPARI DEVI W/O RAM AVTAR MAHTO Resident of Village- Sondho Mubarakpur, P.S.- Goraul, District- Vaishali.
 2. RAJEEV KUMAR @ RAJEEV MAHTO S/O RAM AVTAR MAHTO Resident of Village- Sondho Mubarakpur, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset,
seeks permission to make rectification in the cause title of the
anticipatory bail application by rectifying the description of
petitioner no. 1.

Permission is accorded.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
379, 427, 448, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and petitioner no.



1 is the wife of Ram Avatar Mahto and petitioner no. 2 is son of Ram Avatar Mahto and they have been falsely implicated by the informant on account of dispute relating to land. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence, but he alleges that he received information from villagers that the accused persons including the petitioners came to his house and assaulted his father leading to his hospitalization and he was under treatment and thereafter he was referred to a Higher Centre at Patna but on the way he died.

Learned counsel for the petitioners next submits that father of the informant was an old and ailing person and he fell on account of which he received injuries. It is further submitted that the F.I.R. does not disclose the name of the villagers even who informed the informant about the occurrence. It is next submitted that Ram Avatar Mahto was arrested and he has been granted regular bail by this Court. It is next submitted that petitioners, being wife and son of Ram Avatar, have been falsely implicated, when admittedly the informant is not an eye witness to the occurrence. It is also submitted that petitioners will not abscond rather will co-operate in the investigation.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Goraul P.S. Case No. 216 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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