

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75246 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- LAKHNAUR District- Madhubani

1. YAS KUMAR @ YAS RAJ SON OF SHIV PUJAN MAHTO @ SHIV PUJAN PRASAD R/O KATMAKHAR, WARD NO.8, P.S.- LAKHNOUR (RSOP), DISTRICT- MADHUBANI
2. SHIV PUJAN MAHTO @ SHIV PUJAN PRASAD SON OF RAM NANDAN MAHTO R/O KATMAKHAR, WARD NO.8, P.S.- LAKHNOUR (RSOP), DISTRICT- MADHUBANI
3. SANTOSH KUMAR MAHTO @ SANTOSH KUMAR SON OF BIRAN MAHTO R/O VILLAGE- RUPAULI, P.S.- LAKHNAUR, DISTRICT- MADHUBANI
4. KAUSHAL KUMAR MAHTO @ KAUSHAL KUMAR @ NUNNU KUMAR SON OF RAM CHANDRA MAHTO R/O VILLAGE- RUPAULI, P.S.- LAKHNAUR, DISTRICT- MADHUBANI

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-04-2023 At the very outset, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1, submitting that during pendency of this application petitioner no.1 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

Now this application survives for petitioner nos.2 to 4.

Heard learned counsel for the petitioners and learned



A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354, 325, 504 & 506/34 of the Indian Penal Code.

While the informant was going to somewhere and when she reached Balbhadrapur Chowk, all the petitioners along with some unknown accused persons variously armed surrounded her and started calling her 'Dian' and started abusing her and when she protested then all the persons who were inebriated condition assaulted her by means of farsa and pulled her sari and also assaulted her sons in which he sustained fracture injury in the leg.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both sides have filed cases against each other. The injury sustained by the victim is simple in nature. It is further submitted that the alleged occurrence has taken place on 31.07.2022, while written application for lodging the first information report has been handed over to the police station on 10.08.2022, without assigning any plausible



and convincing reason for the said delay. Petitioner no.2 has no criminal antecedent, while petitioner nos.3 and 4 have criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.2 to 4, 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 lower Court where the case is pending/successor Court in connection with Lakhnour (RSOP) P.S. Case No.161 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Trivedi/-

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

