

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74198 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- BIRUPUR District- Lakhisarai

1. SUNIL MAHTO Son of Baiju Mahto R/o ward no. 8, Turk Aijani, P.S. - Birupur, Distt. - Lakhisarai, Permanent r/o Turkjanini, P.S. - Birupur, Distt. - Lakhisarai
2. Pramod Mahto Son of Baiju Mahto R/o Lakhipur Birupur, P.S. - Birupur, distt - Lakhisarai, Permanent r/o Turkjanini, P.S. - Birupur, Distt. - Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anurag Saurav
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-11-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Birupur P.S. Case No. 26 of 2023 dated 16.05.2023 registered under Section 147, 148, 149, 323, 341, 307, 504, 506, 34 of the I.P.C.

3. As per the F.I.R. on 15.05.2023 the co-accused Sankar Mahto assaulted the informant on his head by rod which resulted in head injury. It has further been alleged that Arbind Mahto and Sanjay Mahto came to save him then all the F.I.R. named persons including the petitioners assaulted them with lathi, bricks, stones etc. due to which they sustained injury.

4. Learned counsel for the petitioners submits that



specific allegation of assault on the informant is upon Sankar Mahto, who has been granted anticipatory bail by a Co-ordinate Bench of this court in Cr. Misc. No. 73292 / 2023. He next submits that allegation against the petitioners and others are general and omnibus in nature. The injury caused to Sanjay Mahto is simple in nature. The injury caused to Arbind Mahto is also not serious in nature. The injury report of Sanjay Mahto has been annexed at Annexure - 4 to this application. Learned counsel next submits that there was previous land dispute between the parties and one week prior to that occurrence a dispute had arisen between Sankar Mahto and the informant in relation to playing the D.J. (music).

5. Regard being had to the submission made by the parties, taking into consideration the fact that allegation against the petitioners are general and omnibus in nature, injury caused to the victims are simple in nature and the co-accused / Shankar Mahto having specific allegation has been granted anticipatory bail by a Co-ordinate Bench of this court, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Lakhisarai in connection with Birupur P.S. Case No. 26 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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