

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7648 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- BHADAUR District- Patna

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1. RAMAKANT MAHTO S/O- LATE CHHOTU MAHTO R/O- VILLAGE-SILDAHI, P.S.- BHADAUR, DIST.- PATNA
 2. RAJESH KUMAR S/O- RAMAKANT MAHTO R/O- VILLAGE-SILDAHI, P.S.- BHADAUR, DIST.- PATNA
 3. RAVI SHANKAR KUMAR S/O- RAMAKANT MAHTO R/O- VILLAGE-SILDAHI, P.S.- BHADAUR, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandrasen Prasad Singh, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-02-2024 At the outset, learned counsel for the petitioner submits that so far as the petitioner no.1, Ramakant Mahto is concerned, in view of the fact that there is specific allegation against him, he intends to surrender before the Court below within four weeks from today for bail.

2. As prayed for, the anticipatory bail application of the petitioner no.1, Ramakant Mahto is dismissed as withdrawn.

3. Heard the parties.

4. The petitioners are apprehending arrest in connection with Bahadur P.S. Case No. 139 of 2023 instituted



under Sections 147, 148, 149, 323, 325, 307, 504, 506, 354 of the Indian Penal Code lodged on 6.11.2023 by the informant, Puja Kumari.

5. As per the prosecution story, the informant alleged that when her sister was reading, the accused side came, abused and further, petitioner no.1 Ramakant Mahto gave 'khanti' blow on her head and hand. When the informant's mother cried and all the sisters came down, these petitioners also assaulted and tried to outrage their modesty. Accordingly, the FIR.

6. Learned counsel for the petitioners submit that though specific allegation against Ramakant Mahto, omnibus allegation is against other persons, they are own family members and only due to land dispute, they have been dragged in.

7. Learned counsel for the informant opposes the prayer stating that though omnibus allegation of assault is also on these petitioners.

8. So far as the petitioners no. 2 and 3 are concerned, allegation is omnibus in nature, they are young boys of 20 years and 19 years, putting them in jail will not serve purpose, they do not have criminal antecedents and will be diligently appearing in trial, this Court is inclined to extend them the privilege of



anticipatory bail.

9. Let the petitioner no. 2, Rajesh Kumar and the petitioner no. 3, Ravi Shankar Kumar be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bahadur P.S. Case No. 139 of 2023 to the satisfaction of learned Judicial Magistrate, Barh, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(Rajiv Roy, J)

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