

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12827 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Dhaneshwar Mahto @ Dhaneshwar Prasad Mahto @ Dheneshwar Mahto @ Dhaneshwar son of Late Fekan Mahto
2. Renu Devi wife of Dhaneshwar Mahto @ Dhaneshwar Prasad Mahto
3. Manish Kumar son of Dhaneshwar Mahto @ Dhaneshwar Prasad Mahto
4. Rajeshwar Mahto son of Late Fekan Mahto Village- Mokhtiyarpur PS- Dalsinghsarai Dist- Samastipur
5. Vinita Devi @ Pramsheela Devi wife of Rajeshwar Mahto
6. Bittu Kumar @ Pinku Kumar son of Dhaneshwar Mahto @ Dhaneshwar Prasad Mahto
7. Jaleshwar Mahto @ Mukesh son of Late Fekan Mahto
All above resident of Village- Mokhtiyarpur Ps- Dalsinghsarai Dist- Samastipur
8. Manita Kumari wife of Rahul Kumar
9. Rahul Kumar son of Ashok Mahto
Both above resident of Village- Mokhtiyarpur Ps- Dalsinghsarai Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Pratap, Advocate
For the State	:	Mr.Anita Kumari, APP
For the O.P. No.2	:	Mr. Surendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-03-2024 1. Heard learned counsel for the petitioners, learned APP for the State along with learned counsel for the O.P. No.2.
2. The petitioners seek bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 504, 354, 380, 427 and 436 of the IPC.
3. The learned counsel for the petitioners submit that



petitioners have been falsely implicated in the instant case by the informant based on general and omnibus allegations. It is next submitted that the informant alleges that the accused persons including the petitioners came along with 25-30 unknown persons and started acting inappropriately with her and made a flee from her owe and thereafter she went and concealed herself behind a banana tree from where she saw Raj Kumar, Chandradeep and Vijay breaking the door of the house and committing loot of the articles and cash as recorded in the FIR. Further it is alleged that the they took the money and set the house on fire, further alleges that in the fire one motorcycle was also burnt and the accused persons untied the cows and made them flee.

4. Learned counsel for the petitioners submit that Raj Kumar, Chandradeep and Vijay are not petitioners in the instant anticipatory bail application. It is further submitted that informant claims herself to be an eyewitness to the occurrence and thus has alleged that she saw named accused persons i.e. Raj Kumar, Chandradeep and Vijay committing the occurrence. It is further submitted that rest of the accused persons have been implicated in the present case in order to coerce Dhaneshwar Mahto into submission. The learned counsel next submits that



Dhaneshwar Mahto (petitioner no.1) instituted Ujiyarpur P.S. Case No.434 of 2023 with regard to killing of his son against accused the persons including the husband of the informant. It is thus submitted that since husband of the informant came to be implicated by the Dhaneshwar Mahto in Ujiyarpur P.S. Case No.434 of 2023, as such the instant FIR has been instituted against Dhaneshwar Mahto and his family members including the women with general and omnibus allegations. It is further submitted that it absolutely does not stand to reason that when son of Dhaneshwar Mahto was killed whether he would have been in a frame of mind along with other family members including women to commit such an occurrence. It is thus submitted that the informant very wisely implicated the entire family members without alleging any specific allegation against them, though specific allegation of committing the occurrence is against the named accused persons as recorded herein above.

5. The learned APP along with learned counsel for the O.P. No.2 vehemently opposes the anticipatory bail application of the petitioners, but then are not in a position to rebut the submissions of the learned counsel for the petitioners that informant despite being eyewitness to the occurrence does not specifically alleged any overt act against the petitioners of



committing the occurrence and also the fact that whether the family of Dhaneshwar Mahto along with female member would have gone to commit such an occurrence when son of Dhaneshwar Mahto was killed.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioner above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dalsinghsarai, Samastipur in connection with Ujiyarpur P.S. Case No.435 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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