

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12026 of 2024

Arising Out of PS. Case No.-82 Year-2023 Thana- RAUTARA District- Katihar

1. Jairam Mahto Son Of Late Pannu Mahto Resident Of Village- Rupaspur, Ps- Rautara, Distt- Katihar
2. Pramod Mahto @ Pramod Kumar Mahto Son Of Jairam Mahto Resident Of Village- Rupaspur, Ps- Rautara, Distt- Katihar
3. Binod Mahto Son Of Jairam Mahto Resident Of Village- Rupaspur, Ps- Rautara, Distt- Katihar
4. Suman Mahto @ Suman Kumar Mahto Son Of Jai Ram Mahto Resident Of Village- Rupaspur, Ps- Rautara, Distt- Katihar
5. Guriya Devi @ Guriya Kumari Daughter Of Jairam Mahto Resident Of Village- Rupaspur, Ps- Rautara, Distt- Katihar
6. Bikki Devi Wife Of Pramod Mahto Resident Of Village- Rupaspur, Ps- Rautara, Distt- Katihar
7. Sudama Devi Wife Of Jairam Mahto Resident Of Village- Rupaspur, Ps- Rautara, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 324, 325, 341, 307 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner No.



5, 6 and 7 are women. It is next submitted that the petitioners have been falsely implicated in the instant case by the informant with general and omnibus allegations. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that though the informant alleges that the injured were assaulted by the accused persons, but then the allegation of assault is not specific. It is next submitted that it appears that the occurrence took place in some other manner and the informant taking the same as an opportunity falsely implicated the petitioners. It is next submitted that petitioner No. 5 herein had instituted Rautara P.S. Case No. 78 of 2023 against the informant and his side. It is further submitted that the date of occurrence is 26-8-2023 and the instant FIR came to be instituted on 31-8-2023, i.e., after a delay of more than four days, which casts an aspersion on the case of the prosecution. It is also submitted that though the informant alleges that the injured were taken to the hospital from where seeing the seriousness of the injury, the doctors referred to Siliguri but then if what has been alleged is true in that event the hospital must have informed the police that injured persons have been admitted in the hospital for treatment but then that is not the case, which demonstrates that the injured never suffered any



injury on account of assault. The learned counsel next submits that petitioners will not abscond rather will cooperate in the investigation.

4. 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) each 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 Rautara P.S. Case No. 82 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

5. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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