

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21254 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- BAUNSI District- Araria

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1. Nirmala Devi Wife Of Ashok Mahto
 2. Lata Devi Daughter Of Ashok Mahto
 3. Guddi Kumari Daughter Of Ashok Mahto
 4. Priyanaka Devi Wife Of Mangal Mahto
 5. Jhatakaniya Devi @ Rakhaniya Devi Wife Of Late Niro Mahto @ Late Miro Mahto
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bosi P.S. Case No.178 of 2023 , F.I.R. dated 12.11.2023 registered for the offence punishable under Sections 147, 149, 341, 323, 324, 325, 379, 307, 327, 504 and 506 of the IPC.

3. Prosecution case, in short, is that the informant filed an application before the Officer-in-charge Bosi Police Station alleging therein that the land of Khata No. 724, Plot No.2088, Area about 1 Acre and 53 decimal belongs to the him, and also paying rent for the aforesaid land on 8.11.2023 when



the informant was ploughing the aforesaid land in the mean time the co-accused persons including the petitioners have come on Tractor along with weapon and chilly powder and started ploughing the aforesaid land, then the informant has protested then Ashok Mahto has directed Pankaj Mahto to kill him through tractor then Pankaj Mahto has assaulted him through tractor which hit him and he fell down, thereafter Ashok Mahto, Mangal Mahto, Jyotesh Mahto and Dinesh Mahto assaulted him through Iron Rod and on that reason bone his left hand has been broken. Thereafter, his father Piro Mahto, his brother Rajesh Mahto and his wife Rina Devi, Sanjay Mahto and wife of the informant Mala Devi came for his rescue then Priyanka Devi & Lata Devi have thrown chilly powder upon them. All accused persons on the fear of country made 'katta' have assaulted them through Iron rod and sharp cutting weapon. Villagers have given information about the occurrence to the police official then police came then accused person have fled away. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case. Further submits that from perusal of the FIR, it appears that there is no accusation of any assault or overt act is attributed



against the petitioners. Allegation of throwing chilly powder upon the petitioner nos.2 and 4 and there is no allegation against the petitioner nos.1,3 & 5 and the specific allegation of assault is attributed against the co-accused person, namely, Pankaj Mahto and other co-accused persons.

5. Learned APP for the State, on the other hand vehemently opposes the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the FIR and specific allegation of throwing the chilly powder upon the petitioner nos.2 and 4 and petitioner nos.2 and 5 has clean antecedent as also petitioner nos.1,3 and 4 has carries one more criminal antecedents other than the present one, but fairly submits that in that case petitioner nos.1,3 and 4 are on bail in the pending matters.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Arariya in connection with Bosi P.S. Case No.178 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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