

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22682 of 2024**

Arising Out of PS. Case No.-372 Year-2023 Thana- BASANTPUR District- Siwan

1. DIPU KUMAR @ DIPU KUMAR MAHTO, Son of Dindayal Mahto @ Prasad Dindayal Devraj, Resident of Village-Saini Bagahi, P.S.-Basantpur, District-Siwan.
2. DEEPAK KUMAR @ DEEPAK KUMAR MAHTO, Son of Ramchander Mahto, Resident of Village-Saini Bagahi, P.S.-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

3      26-04-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners seek regular bail in connection with Basantpur P.S. Case No. 372 of 2023 registered for the offence punishable under Sections 341, 323, 324, 326, 307, 379, 385, 354(B), 504, 506 and 34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added on death of injured *Satendra Kumar Srivastava*.

3. As per the prosecution case, six named accused persons including the petitioner and 10-12 unknown accused persons variously armed came to the shop of informant and made demand of *rangdari*. Accused *Guddu Kumar* assaulted *Satendra Kumar Srivastava* by means of iron rod on his head,



*Sanjiv Kumar Mahto @ Kali* assaulted with *farsa* on *Chandra Bhushan Srivastava* on his head. Allegation against accused persons namely *Dipu Kumar* and *Deepak Kumar* is that they assaulted *Suman Kumar Srivastava* by means of hockey on his head. *Satendra Kumar Srivastava* died during treatment at PMCH.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that the allegation against the petitioners is that both of them have assaulted the injured *Suman Kumar Srivastava* with hockey stick causing injury on his head. However, the injury found on him is simple in nature. He further submits that similarly situated co-accused, namely, *Sanjiv Kumar @ Sanjiv Kumar Mahto @ Kali*, has already been granted regular bail by this Court vide order dated 06.02.2024 passed in Cr. Misc. No. 81421 of 2023. Petitioners are in custody since 25.07.2023 having no criminal antecedent.

5. Learned APP appearing for the State has opposed the prayer for regular bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, be released on bail on



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Siwan, in connection with Basantpur P.S. Case No. 372 of 2023.

(Sunil Dutta Mishra, J)

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