

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24524 of 2024

Arising Out of PS. Case No.-576 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Hare Krishna Mahto @ Haro Mahto, Male, aged about 60 years, Son of Basudeo Mahto @ Basudev Mahto @ Vasudeo Mahto, Resident of Village - Nagdah, Ward No.-10, P.S. - Muffasil (Singhaul O.P), District – Begusarai.
 2. Nandan Kumar Mahto @ Nandu Kumar @ Nandan Kumar @ Nandu, Male, aged about 25 years, Son of Hare Krishna Mahto @ Haro Mahto, Resident of Village-Nagdah, Ward No.-10, P.S. - Muffasil (Singhaul O.P), District – Begusarai.
 3. Sita Ram Mahto, Male, aged about 63 years, Son of Late Mahavir Mhato @ Late Mahabir Mahto, Resident of Village-Nagdah, Ward No.-10, P.S. - Muffasil (Singhaul O.P), District – Begusarai.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Muffasil P.S. Case No. 576 of 2023 dated
03.10.2023 registered for the offences punishable under



Sections 143, 341, 323, 307, 379, 504 and 385 of the I.P.C.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have come to the shop of the informant and demanded rupees. On being objected by the informant, they abused him and the co-accused Ramanand Mahto gave blow of butt of the pistol on the head of the informant due to which he sustained injury. Hare Krishna Mahto @ Dharo Mahto (petitioner no. 1) and Nandan Kumar & Nandu (petitioner no. 2) assaulted the informant with lathi, fists and slaps. When the informant's brother Rupesh Kumar came to rescue him then the co-accused Anish Kumar gave blow with the butt of pistol due to which he sustained injury and Nandan Kumar (petitioner no. 2) and Sitaram Mahto (petitioner no. 3) also assaulted him. The co-accused Raja Kumar snatched Rs. 1,25,000/- and Hare Krishna Mahto (petitioner no. 1) snatched Rs. 5,000/- from the pocket of the informant and the co-accused Kundan Kumar snatched gold chain.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the alleged occurrence took place on 26.09.2023 but the F.I.R. was lodged on 03.10.2023 and there is no explanation for this delay. There



is a case and counter case between the parties. There is no allegation of assault on the head of the informant against the petitioners who had no intention to kill him. As per injury report of the informant, the informant sustained two injuries, out of which, the first injury is stated to be grievous in nature while the second injury is simple in nature. It is further submitted that the petitioners have no concern with the alleged injury. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. It is further submitted that other co-accused person has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 8629 of 2024 under order dated 07.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Begusarai, in connection with Muffasil P.S. Case No. 576 of 2023, subject to the condition as laid down under Section 438(2)



of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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