

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30582 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- MAJORGANJ District- Sitamarhi

1. Ram Babu Mahto Son of Shiv Tahal Maho Resident of Village- Rasulpur Ward No. 04, Police Station- Majorganj, District- Sitamarhi
2. Vinod Mahto Son of Shiv Tahal Mahto Resident of Village- Rasulpur Ward No. 04, Police Station- Majorganj, District- Sitamarhi
3. Pawan Mahto @ Pawan Kumar Son of Vinod Mahto Resident of Village- Rasulpur Ward No. 04, Police Station- Majorganj, District- Sitamarhi
4. Pankaj Mahto @ Pankaj Kumar Son of Vinod Mahto Resident of Village- Rasulpur Ward No. 04, Police Station- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jagdhara Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Majorganj P.S. Case No. 342 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 354B, 379, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, petitioners and others are said to have come to gate of informant and began to abuse. It is alleged that petitioner no. 2 is said to have assaulted the informant by means of iron rod as a result of which he(victim)



sustained head injury. It is further alleged that petitioner no. 3 is said to have assaulted Sikandar Mahto (informant's son) by means of lathi upon his head as a result of which he sustained head injury. It is further alleged that petitioner no. 4 is said to have assaulted Virendra Mahto by means of lathi as a result of which he sustained head injury. It is further alleged that petitioner no. 3 is said to have snatched golden *Hanumani* from the neck of Sikandar Mahto (informant's son). It is alleged that petitioner no. 1 is said to have dashed the informant's wife on the ground and also he is said to have outraged her modesty.

4. Learned counsel for the petitioners submits that there is case and counter case between both the parties and free fighting cannot be ignored. He further submitted that some altercation has taken place between the family members of both the parties due to minor disputes and the injuries sustained by family members of both the parties are simple in nature. He further submits that no case is made out against the petitioners under Section 307 of I.P.C. as there is no intention imputed against the them. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the



prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Sitamarhi in connection with Majorganj P.S. Case No. 342 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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