

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33080 of 2024

Arising Out of PS. Case No.-567 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Bikash Mahto @ Vikas Kumar Mahto Son Of Kari Mahto Resident Of Village- Chikni Ps- Sadar (SONKI Op) Dist- Darbhanga
 2. Jhagaru Mahto Son Of Kari Mahto Resident Of Village- Chikni Ps- Sadar (SONKI Op) Dist- Darbhanga
 3. Beena Devi Wife Of Kari Mahto Resident Of Village- Chikni Ps- Sadar (SONKI Op) Dist- Darbhanga
 4. Kari Mahto Son Of Late Garib Mahto Resident Of Village- Chikni Ps- Sadar (SONKI Op) Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Sadar (Sonaki) P.S. Case No. 567 of 2023, registered for the alleged offences under Section 341, 323, 354, 379, 427, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons entered into the shop of the informant and damaged its articles. They also assaulted the informant and her family members and took away cash and ornaments. The

occurrence took place in the background of the informant's family opposing the act of the petitioners in selling illicit liquor.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counter version of Sadar (Sonaki) P.S. Case No. 565 of 2023 which has been lodged by petitioner no. 3 against the informant side. The informant and others assaulted the petitioner no. 3 and her family members causing a number of injuries to them. Learned counsel further submits that the informant has lodged the case with exaggerated version of the offences and no injuries as alleged has been found on the person of the victims. The independent witnesses have not supported the prosecution case. It appears that some altercation took place between two sides and both sides received injuries but the injuries are not serious. Learned counsel further submits that except for petitioner no. 1 who is having antecedent of one case all other persons are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and further considering not so serious nature of injuries, let the petitioners above named, in the

event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Darbhanga in connection with Sadar (Sonaki) P.S. Case No. 567 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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