

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44186 of 2024**

Arising Out of PS. Case No.-501 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Jaglal Mahto Son Of Late Jileb Nath Mahto R/O- village Mangaidih, P.S- Mufassil District- Saran
2. RAKESH KUMAR SON OF JAGLAL MAHTO R/O- village Mangaidih, P.S- Mufassil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar, A.P.P.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      13-08-2024

1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 324, 307, 380, 384, 376 and 511/34 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and have been falsely implicated in the instant case by the informant as her husband and brother-in-law (Bhainsur) are accused in Mufassil P.S. Case No. 895 of 2022 dated 10.12.2022 instituted by the petitioner no. 1 with regard to killing of his son. It is further submitted that



the instant FIR arises out of a complaint. It is next submitted that from perusal of the complaint petition, it would manifest that the complainant alleges that Rakesh Kumar (petitioner no. 2) finding her alone entered the house and tried to outrage her modesty and even snatched her golden mangalsutra upon which she raised an alarm when her family members came but then they were assaulted by Rakesh Kumar (petitioner no. 2) including petitioner no. 1 by rod and when people gathered and they tried to apprehend the petitioner no. 2 he fired from his country made pistol at Jagdeo Mahto but he sat on the floor and the bullet hit the chest of another person. Thereafter, petitioner no. 2 assaulted the informant by butt of the pistol and petitioner no. 1 assaulted Subhash Mahto by an iron rod.

4. Learned counsel for the petitioners submits that the date of occurrence is 10.12.2022 for which a complaint came to be instituted on 23.05.2023 thereafter the instant FIR came to be instituted on 24.06.2023. It is further submitted that the instant FIR has been instituted by way of counterblast to Mufassil P.S. Case No. 895 of 2022 where son of petitioner no. 1 was killed by the husband and brother-in-law of the informant. It is next submitted that delay in filing the complaint casts an aspersion on the case of the prosecution. It is also submitted that the



complainant in the complaint petition alleges that Rakesh Kumar (petitioner no. 1) fired at Jagdev Mahto but he sat and the bullet hit another person. It is further submitted that the said person was none but son of petitioner no. 1 who was killed by the side of the informant and in order to cover up the misdeed the instant complaint case came to be instituted by way of afterthought based on which the instant FIR was registered.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that it was the son of petitioner no. 1 who received gun-shot injury on 10.12.2022 and the complaint came to be instituted after a delay of more than five months of the occurrence.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Chapra  
Mufassil P.S. Case No. 501 of 2023, subject to the conditions as  
laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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