

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43037 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Gulten Mahto, S/o- Late Budhan Mahto, Resident of Village- Kumbhi Ward No.2, PS- Cheria Bariyarpur District- Begusarai
 2. Krishna Kumar Son of Gulten Mahto, Resident of Village- Kumbhi ward no2, Ps- Cheria Bariyarpur District- Begusarai
 3. Munni Devi wife of Sudhin Mahto, Resident of Village- Kumbhi ward no2, Ps- Cheria Bariyarpur District- Begusarai
 4. Rukmani Devi wife of Gulten Mahto, Resident of Village- Kumbhi Ward No.2, PS- Cheria Bariyarpur District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-07-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Cheriya Bariyarpur P.S. Case no. 233 of 2023 registered under sections 307, 341, 323, 504, 506, 379, 354B, 447 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the six named accused persons including the four petitioners herein came variously armed with *lathi*, *danda*, iron rod etc. The petitioner no.1 struck the informant with an iron rod on her head. The petitioner no.2 caught hold of her and started



to drag her. The petitioner no.3 took out Rs.3,000/- from a trunk and the petitioner no.4 snatched a chain from the informant's neck.

4. Learned counsel for the petitioners submits that the petitioners and the informant are agnates and the petitioners have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. There is no reasonable explanation whatsoever for the delay of 25 days in lodging of the complaint. The allegation of assault is only on the petitioner no.1 and that has also been found to be simple in nature. The petitioners have no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the contents of the injury report not supporting the allegation of assault by so many accused persons who are said to have come armed with *lathi*, *danda* etc. together with the delay of 25 days in lodging of the complaint and the petitioners not having any criminal antecedent, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four



weeks, be released on anticipatory bail in connection with Cheriya Bariyarpur P.S. Case no. 233 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai.

(Partha Sarthy, J)

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