

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52075 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- PARIHAR District- Sitamarhi

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1. Ravindra Mahto S/O Budhan Mahto R/O Village- Mashaha, P.S- Parihar, Distt.- Sitamarhi.
 2. Dilip Mahto S/O Ravindra Mahto R/O Village- Mashaha, P.S- Parihar, Distt.- Sitamarhi.
 3. Ranjit Mahto @ Ranjit Kumar S/O Ravindra Mahto R/O Village- Mashaha, P.S- Parihar, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Madan Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 01-10-2024 Heard learned counsel for the petitioners, learned
counsel for the informant as well as learned APP for the State.

2. In this case, the petitioners are seeking regular bail in connection with Parihar P.S. Case No. 123 of 2024, registered for the offences punishable under Sections 302/34 of the IPC.

3. As per allegation, in course of proceeding to Masha-Jhapha, in the way, the petitioners along with other co-accused persons attacked upon the Ankit Kumar (the deceased) by means of iron rod etc. as a result of which he succumbed to the injuries at the spot itself.

4. Learned counsel for the petitioners submits the



petitioners are innocent and have falsely been implicated in the present case. He further submits that the petitioners were sleeping in his house. When they woke up on hearing some unusual sound, they saw some persons. A person apprehended and he disclosed his name as Ankit Kumar. Ankit Kumar (the deceased) during course of apprehending, assaulted on the head of the petitioner no. 1 and he became injured. The petitioner lodged FIR which is annexed as Annexure-2 against the deceased and some other accused persons. It has been submitted that as a matter of fact, the villagers assembled and assaulted the deceased resulting into his death. A number of stolen articles, mobile etc., were recovered from possession of the deceased. It is also submitted that the petitioners are persons of clean antecedent and are under custody since 22.04.2024.

5. On the other hand, learned counsel for the informant has submitted that the accused persons including the petitioner badly assaulted the deceased resulting into his death.

6. The case of the petitioners is prior to the present case. They lodged the case stating therein that the deceased entered into their house with intention to commit theft and when he was apprehended, he assaulted on the head on the petitioner no. 1. On *halla*, villagers assembled and badly assaulted the deceased.

7. On the other hand, learned APP for the State has



vehemently opposed the prayer for bail

8. Considering the above-mentioned facts and circumstances, the petitioners, above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sitamarhi in connection with Parihar P.S. Case No. 123 of 2024, subject to the following condition that the petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Nawneet Kumar Pandey, J)

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