

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51892 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- KALYANPUR District- Samastipur

1. Birendra Mahto @ Birendra Kumar Son of Ram Karan Mahto R/o Vill.- Rampura, P.s.- Kalyanpur, Dist.- Samastipur
2. Ram Karan Mahto Son of Late Siya Sharan Mahto R/o Vill.- Rampura, P.s.- Kalyanpur, Dist.- Samastipur
3. Raushani Devi @ Raushni Kumari Wife of Birendra Mahto @ Birendra Kumar R/o Vill.- Rampura, P.s.- Kalyanpur, Dist.- Samastipur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Amar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 151 of 2023, registered for the alleged offence under Sections 323, 325, 341, 354, 427, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, in the background of drainage of water, the petitioners came to the doors of the informant and assaulted the informant with iron rod, *khanti* and *lathi*. They also damaged the tempo of the informant. When the wife of the informant came for his rescue, the other co-accused persons assaulted her and they further tried to strangulate the son



of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that the true fact of the case is that the informant abused the petitioner no. 1-Birendra Mahto in drunken condition and when the petitioner no.1 protested, the informant and his family members assaulted the petitioners and others for which C.R. No. 858 of 2023 has been filed against the informant and his family members. Learned counsel further submits that in the present case all offences are bailable except Section 354 of IPC, but the said allegation is only ornamental and no allegation against the petitioners for offence under Section 354 is made out and it appears that the said section has been incorporated to make the allegation serious. The present case has been lodged after delay of three days and there is no satisfactory explanation for the same, so the origin of the case against the petitioners is doubtful. The petitioners have not been able to get the injury report despite they filed requisition for the same to the concerned authority. Even the learned Session Judge has not described the injury received by the victims in the rejection order. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for



anticipatory bail. Learned counsel for the informant submits that the informant and others have received injuries, though he is not having any copy of the injury reports.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation and absence of injury report of the informant or his family members, 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 Chief Judicial Magistrate, Samastipur/court concerned in connection with Kalyanpur P.S. Case No. 151 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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