

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56609 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- KURLIKOT District- Kishanganj

1. Darika Mahto Son Of Ram Lal Mahto Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
2. Budhani Devi @ Budhani Kumari Daughter Of Lakhan Sada Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
3. Tara Devi Daughter Of Lakhan Sada Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
4. Rinku Sada Son Of Ganeshi Sada Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
5. Thakur Mahto Son Of Ram Lal Mahto Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
6. Ganga Ram Sada Son Of Paltan Sada Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
7. Fulen Sada @ Fulan Sada Son Of Beshwar Sada Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
8. Gore Lal Mahto Son Of Sakhi Chand Mahto Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
9. Rahul Kumar @ Rahul Mahto Son Of Jagdish Mahto Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
10. Vijay Mahto @ Vijay Kumar Mahto Son Of Bhubneshwar Mahto Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj
11. Ram Paresh Sada @ Ram Prawesh @ Ram Daresh Sada Son Of Jhakash Sada Village- Baldev Tola, Chaukhut, Matho Tola Chaukhat, Ps- Kurlikot, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.



2. In this present case, the petitioners are apprehending their arrest in connection with Kurlikot P.S. Case No. 18 of 2024, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 447, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioners and 23 other co-accused persons apart from 100-150 persons attacked the house of the informant when the wife of the informant raised alarm while co-accused was trying to steal her goat. The assailants assaulted the family members of the informant and damaged the car and tractor parked in the house of the informant. They also attacked the police party which came for the rescue of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is counter version and Kishanganj P.S. Case No. 19 of 2024 has been lodged under Sections 307, 354B and other minor sections of the IPC and Section 3(i)(r) of the SC/ST (POA) Act by father of petitioner no.2 against the informant and others. Learned counsel further submits that during celebration of Holi, gulal fell on the family members of the informant and some hot altercation took place between the parties and the



informant assaulted the petitioners' side. But the allegation against the petitioners are not believable and the injury reports also support the case of the petitioners. The injuries on the family members of the informant are merely abrasions, pain apart from two lacerated wounds on the son of the informant but the same is not believable in the light of the fact that the informant named 34 persons apart from 100-150 others who attacked his house and if so many persons assaulted the informant and his family members, in all likelihood the informant and his family members would have suffered mortal injuries and not such type of injuries which are shown in the injury report. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail. Learned APP further submits that petitioners making unlawful assembly, attacked the house of the informant belonging to the other community.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbable nature of accusation and also considering the clean antecedent of the petitioners, 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 bonds 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, Kishanganj/concerned court in connection with Kurlikot P.S. Case No. 18 of 2024, subject to the conditions as 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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