

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56876 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- UCHKAGAON District- Gopalganj

1. Baburam Mahto @ Babu Mahto S/o Deni Mahto @ Beni Mahato R/o vill - Barari Jagdish, P.S. - Uchkagaon, Distt. - Gopalganj
2. Sanjay Mahto S/o Baburam Mahto R/o vill - Barari Jagdish, P.S. - Uchkagaon, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-12-2024 1. Heard the parties.

2. The petitioner no. 2 apprehends his arrest in connection with Uchkagaon P.S. Case No. 40 of 2024 registered under Sections 147, 149, 341, 323, 324, 307, 354, 379 and 504 of the I.P.C.

3. As per the prosecution case on 08.02.2024 while the informant was constructing her house, the petitioners along with other accused persons abused her, tried to stop the construction and upon protest, all the accused persons including the petitioner no. 2 assaulted her. When the family members of the informant namely Sipahi Mahto and his wife intervened in the matter, the accused persons assaulted both of them and molested



the wife of Sipahi Mahto.

4. Learned counsel for the petitioner no. 2 submits that altogether twelve persons have been made accused due to land dispute between the parties. The accused persons including the petitioners are the neighbour of the informant. The injuries caused to the informant and the victim – Sipahi Mahto are simple in nature as would be evident from the injury report at Annexure -P/2. By the impugned order all other accused persons have been granted anticipatory bail by the learned Additional Sessions Judge-V, Gopalganj and the bail application of the petitioner no. 2 has been rejected that he concealed the criminal antecedent. Learned counsel submits that non-disclosure of criminal antecedent was a *bona fide* mistake and in the present application the petitioner no. 2 has disclosed his criminal antecedent in paragraph no. 3.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that injuries caused to the informant and others are simple in nature and both the parties are neighbours, as such, I am inclined to grant anticipatory bail to the petitioner no. 2.

6. Let the petitioner no. 2, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IX, Gopalganj, District-Gopalganj in connection with Uchkagaon P.S. Case No. 40 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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