

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61059 of 2024

Arising Out of PS. Case No.-177 Year-2024 Thana- PUPRI District- Sitamarhi

1. Ram Sufal Mahto Son of Late Ram Briksh Mahto Resident of Village - Kushail, P.S. - Pupri, District - Sitamarhi
2. Punital Mahto @ Punittal Mahto Son of Late Ram Briksh Mahto Resident of Village - Kushail, P.S. - Pupri, District - Sitamarhi
3. Ram Bali Mahto Son of Late Ram Briksh Mahto Resident of Village - Kushail, P.S. - Pupri, District - Sitamarhi
4. Rahul Mahto @ Rahul Kumar Son of Ram Sufal Mahto Resident of Village - Kushail, P.S. - Pupri, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 17-12-2024 Heard learned Counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Pupri P.S. Case No. 177 of 2024 dated 19.04.2024, instituted for
the offence punishable under Sections 307, 323, 324, 325, 341,
504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution story, the informant alleged
that on 16.4.2024 at about 2.00 P.M. while the informant was
sitting in her house, the petitioners alongwith other co-accused
persons variously armed with iron chain, *axe*, *fatha* and *farsa*



came and started assaulting the informant and her husband. The accused persons inflicted *khanti*, iron rod and *farsa* blow to the husband of the informant on his head. When her *Bhaisur*, Surendra Mahto came in his rescue he was also assaulted by the accused persons causing injury on his head. The accused persons caused fracture injury in hand of her husband. The injured persons were treated at S.K.M.C.H., Muzaffarpur. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that both the parties are agnates. There is a case and counter case. The counter case has been lodged by petitioner no. 2 under Sections 307, 323, 324, 325, 341, 379, 504, 506 and 34 of the Indian Penal Code bearing Pupri P.S. Case No. 178 of 2024. It is submitted that during the scuffle both the sides sustained injuries. The genesis of the occurrence is land dispute between the family of both the sides. It is also submitted that a Title (Partition) Suit No. 94 of 2023 is pending between both the family members. Learned Counsel for the petitioners submitted that the allegation against the petitioners is general and omnibus in nature and no specific allegation of any overt act has been leveled against any particular person. It is



submitted that petitioner no. 1, namely, Ram Sufal Mahto, is an elderly handicapped person whose disability assessed to be 40 %. In both the cases, all the petitioners were made accused but they are already on bail and in Pupri P.S. Case No. 178 of 2024, petitioner nos. 2 and 3 were made accused. Learned Counsel for the petitioners submitted that the petitioner nos. 1 and 4 have two cases. So far as the petitioner nos. 2 and 3 are concerned, they have three cases against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Pupri P.S. Case No. 177 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri (Sitamarhi), subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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