

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68812 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- BATHWARIA District- West Champaran

1. Ranjan Mahto @ Ranjan Kumar Son of Sunil Mahto @ Sunil Prasad Resident of Village- Chandrahan Rupwaliya, P.S.- Bathwariya, Distt.- West Champaran
2. Vinod Prasad @ Vinod Mahto Ramesh Mahto @ Ramesh Prasad Resident of Village- Chandrahan Rupwaliya, P.S.- Bathwariya, Distt.- West Champaran
3. Bhola Yadav Son of Bajrangi Yadav Resident of Village- Chandrahan Rupwaliya, P.S.- Bathwariya, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi Wife of Umesh Prasad R/V- Chdrahan, P.S.- Bathwariya, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 354(B), 147, 148, 149 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, on 17.06.2024 at about 11 AM, 20-25 persons including these petitioners were constructing hut in order to capture the land of informant and when her daughter tried to record the same on mobile phone, all



the accused person forcibly took her phone and tried to outrage her modesty. Upon protest, these petitioners pushed the daughter of informant on ground and assaulted her with *farsa* due to which she sustained injuries.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. As a matter of fact, informant used to abuse and harass the wife of petitioner No. 1 due to her being from Scheduled Caste community and on 17.06.2024, informant again humiliated her in public and upon protest, informant called her family members and entered the house of petitioners and misbehaved with female family members, assaulted them and looted articles from the house for which Bathwariya P. S. Case No. 36 of 2024 was lodged against informant and others. Present case has been lodged in retaliation to the aforesaid case. It is further submitted that admittedly there is land dispute between the parties for which there is case and counter case.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their



arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge VII-cum-Special Judge (POCSO), West Champaran, Bettiah in connection with Bathwariya P. S. Case No. 35 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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