

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70145 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- DORIGANJ District- Saran

1. Rampukar Mahto, S/o Lalan Mahto @ Lala Mahto, R/o Village- Suratpur, P.S- Doriganj, District- Saran at Chapra.
2. Parmeshwar Mahto @ Lagan Mahto S/O Rampukar Mahto R/O Village- Suratpur, P.S- Doriganj, District- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Akhileshwar Pandey, Advocat
For the State	:	Mr.Madhura Nand Jha, APP
For the Informant	:	Mr. Bibhuti Narayan, Advocate
		Mr. Suresh Mukhiya, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking regular bail in connection with Doriganj P.S. Case No. 346 of 2023 registered for the offences punishable under Sections 341, 323, 324, 354(B), 379, 504, 506, 307/34 of the Indian Penal Code. They have got no criminal antecedent. They are in custody since 28.06.2024.

3. Earlier, the prayer for anticipatory bail of the petitioners was rejected by this Court vide order dated 04.06.2024 passed in Criminal Miscellaneous No. 35211 of 2024.

4. As per the prosecution story, on 14.11.2023 when the informant was on her door, in the meantime, all the accused



persons including these petitioners having armed with 'dab' and iron rod came there and started assaulting her. They also tried to outrage her modesty and snatched her mangalsutra. It has been alleged that when informant's husband went to inquire the matter then all the accused persons assaulted him by iron rod and 'dab' which caused injury on his head and shoulder.

5. Learned counsel submits that there is a counter case also but because the copy of the said FIR was not available with him at the time of filing of this application, he could not mention about the same. He has produced a copy of the FIR of the counter case which was registered by wife of the petitioner no. 1.

6. Learned counsel submits that from the case and counter-case between the parties, it would appear that perhaps both the parties had indulged in a free fight, they are co-villagers and there seems to be a dispute over '*rasta*'.

7. It is further submitted that both the parties have suffered injuries. At this stage, the investigation against the petitioners is complete.

8. Learned counsel for the informant has though opposed the prayer for bail of the petitioners but considering the facts and circumstances of the case, this being a case and counter case between the parties and both the parties are said to have suffered injuries, though learned counsel for the informant says



that the petitioners’ side have suffered only simple injuries, this Court is of the considered opinion that the investigation being complete in the matter, in the nature of the dispute, the petitioners deserve privilege of regular bail. Prayer is allowed.

9. Let the petitioners above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Doriganj P.S. Case No. 346 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C.

10. And further condition that the learned court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the learned court shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application is allowed.

(Rajeev Ranjan Prasad, J)

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