

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68523 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- ATHMALGOLA District- Patna

1. MANTOSH MAHTO @ MANTOSH KUMAR Son of Ramesh Mahto R/o vill - Ram Nagar Diyara, P.S. - Athmalgola, distt. - Patna
2. Santosh Mahto @ Satosh Kumar Son of Ramesh Mahto R/o vill - Ram Nagar Diyara, P.S. - Athmalgola, distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. Petitioners are apprehending their arrest in connection with Athmalgola P.S. Case No.336 of 2022, registered for the offence punishable u/s 341, 323, 302 and 34 of the IPC.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted the son of the informant, who died in course of treatment.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged



has ever taken place. There is no specific allegation against the petitioners and it is only alleged against them that they went to the Ganga river with son of the informant. There is no eye-witness of the alleged occurrence and merely on suspicion, the name of petitioners has transpired in this case. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioners that they are involved in the commission of assault upon the son of the informant, who died in the hospital.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioners are at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

