

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69756 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- LALGANJ District- Vaishali

1. RAJU MAHTO S/O- ASHARFI MAHTO, R/O VILLAGE- SIRSA BIRAN, PS- LALGANJ, DISTRICT- VAISHALI, BIHAR
2. RAJ KUMAR MAHTO S/O ASHARFI MAHOT R/O VILLAGE- SIRSA BIRAN, PS- LALGANJ, DISTRICT- VAISHALI, BIHAR
3. VINAY KUMAR S/O RAJESH MAHTO R/O VILLAGE- SIRSA BIRAN, PS- LALGANJ, DISTRICT- VAISHALI, BIHAR
4. VIVEK KUMAR S/O RAJESH MAHTO R/O VILLAGE- SIRSA BIRAN, PS- LALGANJ, DISTRICT- VAISHALI, BIHAR
5. RAWAN KUMAR @ RAMAN KUMAR S/O- TENI MAHTO R/O VILLAGE- SIRSA BIRAN, PS- LALGANJ, DISTRICT- VAISHALI, BIHAR

... .. Petitioner/s

Versus

The State of Bihar PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 308, 379, 504, 506/34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioners are said to have assaulted the informant's side brutally with deadly weapons due to which they sustained several injuries.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both the parties are pattidars and there is admitted land dispute between them. There is case and counter case between the parties. Both sides have sustained injuries. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against the petitioners to assault the informant's side with deadly weapons causing head injuries and fracture injuries, which is also evident from the impugned order. Hence, they do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner nos. 3 & 4, let the above named petitioner nos. 3 & 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Lalganj P.S. Case No. 201 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is specific allegation against petitioner nos. 1, 2 & 5 to assault the informant's side brutally with deadly weapons causing grievous injuries, which is also evident from the impugned order, I am not inclined to enlarge the petitioner nos. 1, 2 & 5 on anticipatory bail. The prayer for anticipatory bail of the petitioner nos. 1, 2 & 5 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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