

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71889 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- PALANWA District- East Champaran

1. RAMCHANDRA MAHTO S/o LATE BUDHAN MAHTO R/o vill - Parsauna Tapsi, P.S. - Palanwa, Distt. - East Champaran
2. Nawal Kishore Mahto Son of Late Budhan Mahto R/o vill - Parsauna Tapsi, P.S. - Palanwa, Distt. - East Champaran
3. Santosh Mahto Son of Ramchandra Mahto R/o vill - Parsauna Tapsi, P.S. - Palanwa, Distt. - East Champaran
4. Shailendra Mahto Son of Nawal Kishore Mahto R/o vill - Parsauna Tapsi, P.S. - Palanwa, Distt. - East Champaran
5. Raj Haran Mahto Son of Lalchandra Mahto R/o vill - Parsauna Tapsi, P.S. - Palanwa, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Palanwa P.S. Case No. 132 of 2023 dated 17.06.2023 registered for the offences punishable u/ss 147, 148, 149, 447, 341, 323, 307, 354B, 379, 504 and 506 of



the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have come to the door of the informant and started abusing and assaulting the informant. Thereafter, on the exhortation of the petitioner no. 1, the petitioner no. 3 assaulted the informant on her head with iron rod due to that she got injured severely. When her sister-in-law came to rescue her then Mantosh Mahto outraged her modesty and the other co-accused snatched golden ring and the co-accused Parwati Devi snatched Mangalsutra from her another sister-in-law.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is a delay of three days in lodging the FIR. There is case and counter case between the parties. As per impugned order, the injury report has not yet been produced. There was no intention to kill the informant and there are no allegation of repetition of blow against the petitioners. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances



of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Raxaul at Motihari, East Champaran in connection with Palanwa P.S. Case No. 132 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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