

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75793 of 2024

Arising Out of PS. Case No.-598 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. Prakash Mahto @ Jai Prakash Mahto S/O Late Saryug Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur
2. Rash Bihari Mahto S/O Late Saryug Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur
3. Rohit Mahto S/O Late Saryug Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur
4. Subhash Mahto S/O Late Saryug Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur
5. Devanand Mahto @ Devanand Kumar S/O Jai Prakash Mahto @ Prakash Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur
6. Vikash Mahto @ Vikash Kumar S/O Rash Bihari Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur
7. Binoy Mahto @ Binoy Kumar Bind @ Vinay Kumar Vind @ Binoy Kumar S/O Rash Bihari Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur
8. Suraj Mahto @ Suraj Kumar S/O Subhash Mahto R/O village -Jogivir, P.S. - Jagdishpur, Dist. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Jagdishpur P.S. Case No.598 of 2022 under Sections 147, 148, 149, 323, 325 and 307 of the Indian Penal Code.



3. As per the prosecution, the FIR has been lodged against 15 named accused persons including the petitioners against whom there is allegation that they have assaulted and demanded blood, but upon refusal they started abusing and fractured the hand of one Kanchan Mahto. They also assaulted Santosh Mahto and Gorelal Mahto.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that there is nothing against anyone of the accused persons. He further submits that the date and time of occurrence have also not been mentioned in the *fardebeyan*.

5. Counsel further submits that it become crystal clear from the performa of the F.I.R. that the said F.I.R. has been lodged on 03.12.2022 in which date and place of occurrence has not been mentioned. He further submits that one F.I.R. which has been lodged as Jagdishpur P.S. Case No.607 of 2022 relating to occurrence took place on 01.12.2022 *i.e.*, prior to lodging of the F.I.R. by the informant in which 13 persons were made accused and from the said F.I.R., it becomes crystal clear that the land dispute was pending between the family of the informant and petitioners' side and since earlier, dispute took place on 01.12.2022 about which the F.I.R. was lodged on



05.12.2022, only due to this reason when informant received information about lodging of the F.I.R.

6. Counsel further submits that most of injuries are simple in nature which is apparent from the injury report and only one injury is grievous in nature which has taken place in the fingers.

7. Counsel also submits that petitioner Nos.1, 2 and 3 has one criminal antecedent in which they have been acquitted and rest of the petitioners have clean antecedent.

8. Learned APP for the State opposes the prayer for bail.

9. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No.598 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their



bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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