

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77695 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Ravindra Mahto @ Rabindra Mahto S/O Late Nanu Lal Mahto R/O Village- Mustafapur, P.S- Bibhutipur, Distt.- Samastipur.
2. Sudhanshu Kumar S/O Ravindra Mahto @ Rabindra Mahto R/O Village- Mustafapur, P.S- Bibhutipur, Distt.- Samastipur.
3. Priyanshu Kumar S/O Ravindra Mahto @ Rabindra Mahto Bihar
4. Ritik Kumar S/O Surendra Kumar @ Surendra Mahto R/O Village- Mustafapur, P.S- Bibhutipur, Distt.- Samastipur.
5. Vimal Kumar S/O Yogendra Mahto R/O Village- Mustafapur, P.S- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-11-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bibhutipur Police Station Case No. 281 of 2023, dated 29.07.2023, disclosing offences punishable under Sections 147/148/149/341/323/325/307/354-A/379/504/ 506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioners, along with other co-accused persons, arrived at the door of the informant, having



armed with lathi, danda, lethal weapon etc. and co-accused Himanshu assaulted the informant by the butt of the pistol and co-accused Shailendra Mahto assaulted him with iron rod on his head and the petitioners and other accused persons, assaulted the cousin brothers of the informant, namely, Kamlesh and Sanjeet and the brother of the informant, namely, Manoj, by lathi, iron-rod etc., causing injuries on their heads and other parts of the body.

4. Learned Counsel for the petitioners submits that the specific allegation of assault is upon co-accused Himanshu and Shailendra Mahto. The allegation against the petitioners is general and omnibus in nature. Referring to the injury reports, of the victims, learned Counsel submits that injuries are simple in nature. The occurrence has taken place due to land dispute between the parties, which would be evident from the First Information Report itself. A counter case has been lodged by the side of the petitioners, bearing Bibhutipur Police Station Case No. 298 of 2023 and the side of the petitioners have also sustained injuries, as would be evident from Annexure P/4.



5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, case and counter case is there, there is general and omnibus allegation against the petitioners and injuries caused to the victims are simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Rosera, Samastipur, in connection with Bibhutipur Police Station Case No. 281 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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