

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77555 of 2024

Arising Out of PS. Case No.-64 Year-2022 Thana- ANGARGHAT District- Samastipur

1. Rohan Mahto @ Rohan Kumar, S/o Ram Babu Mahto @ Ram Bahadur Mahto, R/O Village- Angarghat, P.S- Agarghat, Distt.- Samastipur.
2. Santosh Mahto @ Santosh Kumar @ Ashwani Kumar, S/o Shiv Shankar Mahto, R/O Village- Angarghat, P.S- Agarghat, Distt.- Samastipur.
3. Shyam Sharma @ Shyam Kumar Sharma, S/o Late Ram Dular Sharma, R/O Village- Angarghat, P.S- Agarghat, Distt.- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Dilbar Krishna, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in this case are seeking pre-arrest bail in connection with Angarghat P.S. Case No. 64 of 2022 registered for the offences punishable under Sections 147, 341, 323, 325, 307, 354, 447, 448, 504 and 506 of the Indian Penal Code. They have got no criminal antecedents.

3. As per the prosecution story, on 08.07.2022 at about 02:00 PM, the mother of the informant went to her field and saw that the cow of accused Shiv Shankar Mahto was grazing the rice seeds and she detained the cow. Thereafter, the petitioners along with other accused persons armed with lathi,

danda, bat and iron rod came there and started abusing her. The father of the informant somehow managed to bring her home but the accused persons followed them and entered into the house. One Shiv Shankar Mahto assaulted the informant's father repeatedly by iron rod due to which he suffered head injury and blood started oozing out. He also caused fracture in his right leg and right hand. When the informant's mother tried to save him then Ram Bahadur Mahto started assaulting her by iron rod due to which she sustained injury on backside of her head and left hand. When the informant's wife tried to save his mother then Shyam Mahto (petitioner no. 3) and Santosh Mahto (petitioner no. 2) misbehaved with her, tore her *saree* and blouse and caused fracture in her left hand and leg. The accused persons also assaulted the informant badly.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is submitted that there is no specific allegation against petitioner no. 1. So far as petitioner nos. 2 and 3 are concerned, there are general and omnibus kind of allegation against them.

5. Learned counsel submits that the co-accused Ram Bahadur Mahto and Shiv Shankar Mahto have been granted privilege of anticipatory bail by this Court vide order dated

29.04.2023 passed in Criminal Miscellaneous No. 73053 of 2022.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the facts and circumstances of the case wherein it appears that there is no specific allegation of causing assault by petitioner no. 1 and so far as petitioner nos. 2 and 3 are concerned, there are general and omnibus kind of allegation that they had teased the wife of the informant and had assaulted her by *lathi* in which she had sustained a lacerated wound and abrasion over forearm, considering the nature of allegations, the reason of occurrence and general and omnibus kind of allegations as also that co-accused Ram Bahadur Mahto and Shiv Shankar Mahto have been granted privilege of anticipatory bail in Criminal Miscellaneous No. 73053 of 2022, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above-named shall be enlarged on bail in connection with Angarghat P.S. Case No. 64 of 2022 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 learned A.C.J.M.-II, Dalsinghsarai, Samastipur, subject to the conditions as laid

down under Section 438(2) of the Cr.P.C.

8. And further condition that the learned court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the learned court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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