

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78070 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- EKMA District- Saran

1. Prithvi Mahto @ Manirka Mahto Son Of - Raghu Mahto Resident Of Village - Ekaripur Parsagarh, Dakshin Tola, P.S.- Ekma, District - Saran At Chapra.
2. Bawali Mahto @ Kameshwar Mahto Son Of- Dharmu Mahto Resident Of Village - Ekaripur Parsagarh, Dakshin Tola, P.S.- Ekma, District - Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-01-2024 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 connection with Ekma P.S. Case No. 158 of 2022 dated 24.04.2022 registered for the offences punishable under Sections 147, 148, 149, 323, 427, 435, 436, 447, 448, 379, 504 and 506 of the Indian Penal Code.

4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have attacked the house of the



informant when she was alone with her father-in-law. In the meantime, they knocked down the informant's father-in-law and the co-accused Sheonath Matho set the motorcycle on fire by sprinkling kerosene oil. Thereafter, on the order of petitioner No. 1, all the accused persons entered the house of the informant and looted valuables including gold ornaments and Rs. 20,000/- in cash.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The specific allegation of setting the motorcycle on fire is against the co-accused Sheonath Matho. There is general and omnibus allegation against the petitioners. The other co-accused persons have already been granted bail by this Court *vide* order dated 13.12.2023 passed in Cr. Misc. No. 75591 of 2023.

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

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory 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, Saran at Chapra in connection with Ekma P.S. Case No. 158 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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