

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80853 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- KHANPURA District- Samastipur

1. Ram Kumar Mahto @ Ram Kumar Mahto Son of Mahendra Mahto Resident of Village- Bhore Jairam, Ward No. 5, P.S.- Khanpur, Distt.- Samastipur
2. Ram Prakash Sahni @ Ram Prakash Sahni Son of Shatrudhan Sahni @ Chhedu Sahni Resident of Village- Bhore Jairam, Ward No. 5, P.S.- Khanpur, Distt.- Samastipur
3. Pradeep Mahto @ Pradip Kumar Son of Ram Singh Mahto @ Rajkant Mahto @ Ramakant mahto Resident of Village- Bhore Jairam, Ward No. 5, P.S.- Khanpur, Distt.- Samastipur
4. Rakesh Kumar @ Rakesh Mahto Son of Surendra Mahto Resident of Village- Bhore Jairam, Ward No. 5, P.S.- Khanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Sunder Singh Son of Late Ram Bilash Singh Resident of Village- Ranjeetpur, P.S.- Khanpur, Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioners and

Mr.Mr.Gauri Shankar Gupta learned APP for the State.

2. Learned counsel for the petitioners submits that petitioner no 1 namely, Ram Kumar Mahto has been arrested in this case. In that circumstance, learned counsel for the petitioners seeks permission to withdraw this bail application in respect of petitioner no. 1, namely, Ram Kumar Mahto.

3. Permission is accorded.



4. This application is dismissed as withdrawn in respect of petitioner no. 1.

5. The instant application for anticipatory bail have been filed by the petitioners apprehending their arrest in connection with Khanpur P.S. Case No. 67 of 2024 registered for the offence under Sections 341, 342, 323, 324, 325, 307, 354, 427, 436, 504, 506/34 of the Indian Penal Code.

6. The case of the prosecution is that all the petitioners along with others entered in the house of the informant's sister and assaulted brother-in-law and sister of the informant with sword and lathi indiscriminately. It is described in the FIR itself, that Kiran Devi the sister of the informant had fractured in her backbone and Ram Vinod Mahto had severe head injury.

7. Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in the present case. During course of argument, the learned counsel of the petitioner has submitted that the petitioners and informant are *Gotiah* and there having land dispute for participation. It has also been submitted that both the parties have filed a compromise petition in the Court below as annexed with



(Annexure-3). Petitioner are having criminal antecedent of one case between the same parties.

8. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.

9. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Khanpur P.S. Case No. 67 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) on each of them with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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