

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80277 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- BIRUPUR District- Lakhisarai

1. Somar Mahto @ Somar Kumar Son of Kailash Mahto Resident of Village - Girdharpur, P.S - Birupur, District - Lakhisarai
2. Bodhan Mahto @ Boran Mahto Son of Late Shyam Mahto Resident of Village - Girdharpur, P.S - Birupur, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Birpur P.S. Case No.40 of 2024 for the offences punishable under Sections 341, 323, 307, 504 & 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The petitioners are quite innocent and have been falsely implicated in this case by the police at the instance of their enemies. It is further submitted that earlier to the case under hand petitioner no.1 has filed a case bearing Biruput P.S. Case No.11 of 2022 against the Jitendra Kumar and others and



to save skin from this case, this false and frivolous case has been lodged against the petitioners. The allegations levelled against the petitioners is general and omnibus in nature. No incriminating article has been recovered from the house of the petitioners. Petitioner no.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent as mentioned in para-3 of this application.

4. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

5. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

6. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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