

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84048 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- SISWAN District- Siwan

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1. RAJ KUMAR MAHTO, aged about 50 years, S/o Lal Bahadur Mahto
 2. Durgawati Devi, aged about 45 years, W/o Raj Kumar Mahto
- Both are R/o village- Panchmava, P.S.- Siwan, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Daya Shankar Prasad Sinha, Advocate
		Mr. Gaurav Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Daya Shankar Prasad Sinha along with

Mr. Gaurav Kumar Sinha, learned counsels appearing on behalf
of the petitioners and Mr. Md. Aslam Ansari, learned APP for
the State.

2. The petitioners seek pre-arrest bail in connection
with Siswan P.S. Case No. 224 of 2023 dated 21.08.2023
registered for the offence(s) punishable under Sections 341, 323,
324, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioners by hatching a
conspiracy, have assaulted the informant, his wife and his
daughters.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioner no.1 and informant are own brothers and petitioner no.2 is the wife of the petitioner no.1 and the present FIR has been lodged due to strained family relationship for caring their old father. It is further submitted that Lal Bahadur Mahto, who is the father of petitioner no.1 and informant, have already lodged an FIR against his elder son, the informant, who has refrained from taking care of his father in any manner and the petitioners have been dragged in the false case. It is further submitted that injury sustained by the injured persons is simple in nature and petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that informant and the petitioner no.1 are own brother and injury sustained by the injured persons is simple in nature, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Siswan P.S. Case No. 224 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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