

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80620 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- BANIAPUR District- Saran

1. Bidya Mahto@Vidya Mahto Son Of Late Rajeshwar Mahto Resident Of Village- Sareya, P.S.- Baniyapur, Dist.- Saran At Chapra.
2. Ajit Mahto @ Ajit Kumar Son Of Bidya Mahto @ Vidya Mahto Resident Of Village- Sareya, P.S.- Baniyapur, Dist.- Saran At Chapra.
3. Sarmila Devi @ Urmila Devid @ Surmila Devi Wife Of Uday Shankar Mahto Resident Of Village- Sareya, P.S.- Baniyapur, Dist.- Saran At Chapra.
4. Renu Devi Wife Of Arun Mahto Resident Of Village- Sareya, P.S.- Baniyapur, Dist.- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Chandra Mohan Jha, learned counsel

appearing on behalf of the petitioners and Mr. Murli Dhar,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Baniyapur P.S. Case No. 218 of 2023 dated 14.06.2023
registered for the offence punishable under Sections 341, 323,
307, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the
accused persons named therein including the petitioners had
assaulted the informant and her daughter and son-in-law, due to
which, they had sustained injury. Specific allegation of assault is



against one Uday Shankar Mahto.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the petitioners. Only allegation against the petitioner no. 3, namely Sarmila Devi, who had assaulted the daughter of the informant on her hand by means of iron rod, due to which, her hand was fractured. Specific allegation of assault is against one Uday Shankar Mahto, who had assaulted the son-in-law of the informant on his head by means of *daab*. Due to fierce fight, the petitioners may have caused some injuries to the informant's side but the same was without intention. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Considering the fact that the specific allegation of assault is against one Uday Shankar Mahto, who had assaulted the son-in-law of the informant on his head by means of *daab*. Only allegation against the petitioner no. 3, namely Sarmila Devi, who had assaulted the daughter of the informant on her hand by means of iron rod, due to which, her hand was



fractured. Due to fierce fight, the petitioners may have caused some injuries to the informant's side but the same was without intention. Petitioners have clean antecedent. 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra, in connection with Baniyapur P.S. Case No. 218 of 2023, subject to the condition 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 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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