

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83761 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- LAKHNAUR District- Madhubani

1. Asha Devi W/O Prabhu Narayan Mahto R/O Village- Lakhnaur, Tole- Raupauli, P.S- Lakhnaur, Distt.- Madhubani.
2. Duni Lal Mahto S/O Ramanand Mahto R/O Village- Lakhnaur, Tole- Raupauli, P.S- Lakhnaur, Distt.- Madhubani.
3. Prabhu Narayan Mahto @ Prabhu Kumar S/O Duni Lal Mahto R/O Village- Lakhnaur, Tole- Raupauli, P.S- Lakhnaur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Lakhnaur P.S. Case No. 100 of 2024 dated 11.08.2024, instituted for the offence punishable under Sections 126(2), 115(2), 110, 303(2), 352, 3(5) of the B.N.S.S.

3. The prosecution case, in short, is that, on 11.08.2024 at about 09:30 am, some space of Asbestors of the informant's house had been excessive and due to that reason all accused persons including the petitioners came over there and started abusing his father and when his father objected then all



the accused persons armed with Dabiya started assaulting him and accused Akhilesh Mahto assaulted the father of informant by means of Dabiya on his head due to which he sustained head injury and when informant's mother came to save him then the accused persons also assaulted her due to which she also sustained head injury and Prabhu Narayan Mahto (petitioner no. 3) snatched gold chain from the mother of the informant worth Rs. 80,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is specific allegation of assault against Akhilesh Mahto, who assaulted the father of the informant by means of Dabiya on his head due to which he sustained head injury. It is next submitted that there is no specific allegation against the petitioners rather the allegation against the petitioners is general and omnibus in nature. There is a case and counter case. Counter case has been lodged by the petitioner no. 3 bearing Laukahi P.S. Case No. 101 of 2024 under Sections 126(2), 115(2), 76, 303(2), 3(5) of the B.N.S.S against the informant and others. Lastly, it has been submitted that the petitioner nos. 2 & 3 have two criminal cases against them whereas petitioner no. 1 has no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Lakhnaur P.S. Case No. 100 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Jhanjharpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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