

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10853 of 2024

Arising Out of PS. Case No.-174 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1.

Sanjay Raut S/O Anandi Raut R/O Village- Mohanpur, Ward No.-14, P.S- Patori (Mohanpur O.P.), Dist.- Samastipur.
2.

Mahesh Raut S/O Anandi Raut R/O Village- Mohanpur, Ward No.-14, P.S- Patori (Mohanpur O.P.), Dist.- Samastipur.
3.

Gangeshwar Raut S/O Anandi Raut R/O Village- Mohanpur, Ward No.-14, P.S- Patori (Mohanpur O.P.), Dist.- Samastipur.
4.

Mamta Devi W/O Mahesh Raut R/O Village- Mohanpur, Ward No.-14, P.S- Patori (Mohanpur O.P.), Dist.- Samastipur.
5.

Mano Devi @ Mano Kumari W/O Gangeshwar Raut R/O Village- Mohanpur, Ward No.-14, P.S- Patori (Mohanpur O.P.), Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Singh, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

211-03-2024

Learned counsel for the petitioners submits that during pendency of the anticipatory bail petition, petitioner no. 3 (Gangeshwar Raut) has been apprehended and hence, this anticipatory bail petition has become infructuous.

2. In the light of the aforesaid submission, the prayer for anticipatory bail petition of petitioner no. 3 (Gangeshwar Raut) stands dismissed as having become infructuous.

3. Heard learned counsel for the petitioners and learned A.P.P. for the State.

4. The petitioners are apprehending their arrest in connection with Patory P.S. Case No. 174 of 2023, dated 10.03.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 354(B) and 307 of the Indian Penal Code.

5. As per prosecution case, the petitioners and others after surrounding the informant assaulted him by means of fists, slap, *lathi* and *danda*. It is further alleged that petitioner no. 3 (Gangeshwar Raut) took pistol, then, co-accused Indrajeet Kumar snatched the pistol from him and assaulted by means of butt of pistol to the informant, who sustained injury over head. It is further alleged that petitioner no. 5 (Mano Devi) has snatched gold chain from informant. It is also alleged that the co-accused Indrajeet Kumar thrashed the wife of informant and petitioner no. 4 (Mamta Devi) tried to cut informant's neck by sharp weapon, in the meantime informant's wife saved him.

6. Learned counsel for the petitioners submits that there is no specific allegation of assault against any of the petitioners. The allegation of assaulting by means of pistol butt is against the co-accused Indrajeet Kumar and the injury sustained by the injured is simple in nature. The petitioners have no criminal antecedent. The allegation are general and omnibus

in nature. In the light of the given facts and circumstances, no offence is made out under Section 307 of the I.P.C. The allegation of snatching is nothing but ornamental in nature.

7. Learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner.

8. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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, Samastipur, District- Samastipur in connection with Patory P.S. Case No. 174 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Alok Kumar Pandey, J)

sadique/-

U		T	
---	--	---	--