

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3465 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. Sanjay Mahto, S/O Mahavir Mahto, resident of Village- Gangsara, PS. Sarairanjan, Dist. Samastipur.
2. Sanny Mahto @ Sanny Kumar, S/O Sanjay Mahto, resident of Village- Gangsara, Ps. Sarairanjan, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sarairanjan P.S. Case No. 265 of 2022, registered for the alleged offences under Sections 341, 323, 354B, 307, 379, 447, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons brutally assaulted the mother of the informant and tried to strangulate her by putting a *gamchha* in her neck.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that the informant is not an eye witness and he was not present at the place of alleged occurrence. Moreover, for an occurrence of 08.09.2022, the FIR has been registered only on 16.09.2022 and there is no satisfactory explanation for the same and it shows afterthought and deliberation on part of the informant. The learned counsel further submits that the real fact is that there is land dispute between the parties and for this, *Panchayati* was also held. But the informant was not satisfied with the *Panchayati* and, as such, he falsely implicated the petitioners in this case. The learned counsel further submits that though the allegation is of brutal assault, but no injury report was brought on record and it shows falsity of the allegation. The petitioners have no criminal history.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of any injury report and further considering the possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court



concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additinal Chief Judicial Magistrate-3, Samastipur, in connection with Sarairanjan P.S. Case No. 265 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

