

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60619 of 2022**

Arising Out of PS. Case No.-77 Year-2020 Thana- BABUBARHI District- Madhubani

SIYA RAM MAHTO @ SIYA RAM SINGH S/o Late Bhagabat Mahto R/o
Village- Kabiyahi, P.S.- Babubarhi, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Masoom Alam, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

7 21-02-2025 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail
in connection with Babubarhi P.S. Case No. 77/2020 (G.R.
No.599/2020), registered for the offence punishable under
Sections 341, 323, 324, 325, 379 and 504/34 of the Indian Penal
Code. Subsequently, charge-sheet has been submitted under
Sections 341, 323, 354-A-E, 308, 504 and 506/34 of the Indian
Penal Code.

3. It is alleged by the informant that the accused
persons including the petitioner herein had gone to the field of
the informant at about 7 a.m. in the morning on 13.04.2020
when he was irrigating his field and then they had assaulted him
and when his wife had come to rescue him, the accused persons



had tried to outrage her modesty.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons including the petitioner herein and as far as the petitioner is concerned, no specific allegation of any sort of overt act qua him has been levelled. It is submitted that in any view of the matter, the injuries sustained by the informant have been found to be simple in nature. It is also submitted that the present incident has arisen on account of pre-existing land dispute. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Court, vide order dated 07.06.2022, passed in Cr. Misc. No.59886 of 2021.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has not



been alleged to have engaged in any sort of specific overt act qua the informant or others, apart from the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Madhubani in connection with Babubarhi P.S. Case No. 77 of 2020 (G.R. No.599/2020), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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