

Court of Principal Sessions Judge, Giridih

A.B.P.No.1432 of 2018

1. Suresh Mahto @ Suresh Kumar
2. Naresh Patel
3. Prakash Kumar @ Prakash Kumar Mahto
4. Bhola Kumar @ Bhola Kumar Mahto
5. Shambhu Mahto
6. Mukesh Paswan
7. Choushia Mahto @ Chhotu Mahto
8. Surendra Kumar @ Surendra Mahto
9. Pappu Kumar @ Pappu Kumar Mahto
10. Raju Pandey
11. Jitendra Patel

-Versus-

State

31/01/2019 :- The instant anticipatory bail petition has been filed on behalf of petitioners namely (1) Suresh Mahto @ Suresh Kumar s/o Horil Mahto (2) Naresh Patel s/o Churaman Mahto @ Chandradeo Prasad (3) Prakash Kumar @ Prakash Kumar Mahto s/o Chintaman Mahto @ Chintamani Mahto (4) Bhola Kumar @ Bhola Kumar Mahto s/o Puran Mahto (5) Shambhu Mahto s/o Janki Mahto (6) Mukesh Paswan s/o Khublal Paswan (7) Choushia Mahto @ Chhotu Mahto s/o Jagdish Mahto (8) Surendra Kumar @ Surendra Mahto s/o Ghuja Mahto (9) Pappu Kumar @ Pappu Kumar Mahto s/o Dilip Mahto (10) Raju Pandey s/o Arjun Pandey (11) Jitendra Patel s/o Shankar Mahto, under apprehension of their arrest in connection with Bagodar P.S. Case No. 182/2018, registered u/ss 147/148/149/341/323/447/448/379/307/295 (A)/504/506 of I.P.C.

Learned counsel appearing on behalf of above named accused/petitioners submitted that the petitioners are quite innocent and committed no offence but falsely implicated in this case due to enmity. Further submission is that there is delay in lodging of the F.I.R. and the said delay is un-explained and false and fabricated story has been cooked up and there is no specific allegation against the petitioners and petitioners became the victim of circumstance and prayer has been made for grant of anticipatory bail to the above named petitioners.

While on the other hand, the learned P.P. I/C on behalf of the State, has vehemently opposed for grant of anticipatory bail to the accused/petitioners and further submission is that the petitioners are named in the F.I.R. and they alongwith other accused were present at the place of occurrence and attributed an active role and referred paragraphs 6,7,8,9,10,11,39,40 including other paragraphs of the case diary and opposed the prayer for grant of anticipatory bail to the petitioners.

From perusal of allegation as alleged in the F.I.R. it appears that on 23.10.2018 at about 9:00 P.M. the informant was sleeping in his house, in the meantime, accused persons namely Suresh Kumar Mahto, Naresh Patel, Prakash Kumar Mahto, Bhola Kumar Mahto, Sudhir Kumar, Shambhu Mahto, Mukesh Paswan, Charasi Mahto, Surendra Mahto, Pappu Kumar Mahto, Daulat Mahto alongwith 150 unknown persons came to the house of informant and all had used filthy language and abused to the

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informant and they had compelled to open the door but due to fear the informant did not open it and thereafter, the accused persons had forcibly entered into the house of informant, after breaking the door and they inflicted lathi-danda blow to the informant's son Mahtab Alam and also pelted stones, due to which, he sustained injuries and became unconscious and when the informant tried to rescue his son, it is alleged that accused Suresh Kumar Mahto and Shambhu Mahto had inflicted lathi blow on his head and in the meantime, accused Prakash Mahto, Charasi Mahto forcibly taken away Rs.1000/- and accused Raju Pandey caught hold of hair of informant's wife Sajda Khatoon and snatched away silver chain weighing 15 'bhar' from her neck and accused Sudhir Kumar assaulted to his wife. It is further alleged that all the accused persons armed with weapons, came to the 'Imambada' and raised slogans 'Jai Shree Ram' and they had also extended threatening to kill the informant and his family members and F.I.R. was registered.

From perusal of case diary, it appears that informant Ilias Ansari vide para 4 has stated about the allegation as alleged in the F.I.R. and named the present accused/petitioners including others, who were present at the place of occurrence and attributed an active role during the occurrence in-question and other witnesses namely Mahtab Alam vide para 5, Sajda Khatoon vide para 6, Md. Jakir Hussain vide para 7, Umar Ali Ansari vide para 8, Altab Ansari vide para 9, Md. Jalil Mian vide para 10, Nasim Khatoon vide para 11 of the case diary have also stated about the allegation of assault as alleged in the F.I.R. and also named the present petitioners, who attributed an active role and injury report of injured Mahtab Alam is attached with the case diary and he sustained traumatic injury caused by hard and blunt substance and investigation is still going on.

Considering about the whole matrix, facts and circumstances, statement of the informant and other witnesses, there appears to be involvement of the present accused/petitioners in the alleged offence, who attributed an active role and offence being serious in nature and investigation is going on, as such, I am not inclined to grant anticipatory bail to the petitioners (1) Suresh Mahto @ Suresh Kumar (2) Naresh Patel (3) Prakash Kumar @ Prakash Kumar Mahto (4) Bhola Kumar @ Bhola Kumar Mahto (5) Shambhu Mahto (6) Mukesh Paswan (7) Choushia Mahto @ Chhotu Mahto (8) Surendra Kumar @ Surendra Mahto (9) Pappu Kumar @ Pappu Kumar Mahto (10) Raju Pandey (11) Jitendra Patel and instant anticipatory bail petition stands **rejected** and the present accused/petitioners are directed to surrender before the learned Court below within two weeks from the date of this order and further to move regular bail.

(Dictated)

-Sd/- R.K.Vaish-

Pr. Sessions Judge

Giridih

31/01/2019