

IN THE COURT OF SESSIONS JUDGE, SAMASTIPUR
Camp at Rosera
A.B.P. No.278-C of 2022
Ram Sagun Mahto & others Vs. State of Bihar

02 07.12.2022 Heard, Sri S.K.Sahni Shashi learned counsel appearing on behalf of the accused/petitioners and learned P.P Sri H.K.Yadav appearing on behalf of State as well as learned counsel appearing on behalf of informant on the anticipatory bail petition filed on behalf of petitioners **Ram Sagun Mahto, Lalit Kumar @ Upendra Kumar, Bhushan Mahto and Tuntun Kumar** who apprehend their arrest in connection with Bibhutipur P.S.Case No. 358 of 2022 registered us 341, 323, 354A, 379, 380, 384, 504, 506/34 of the I.P.C.

The learned counsel appearing on behalf of the accused/petitioners submitted that accused/petitioners are quite innocent persons, have committed no offence and they have been falsely implicated in this case. Learned P.P further submitted that all the sections are bailable except section 384, 380 I.P.C. which have not supported by the witnesses during investigation. While concluding his argument learned counsel submitted that as matter of fact there was dispute of mobile phone between children of both parties. As such, accused/petitioners may be given privilege of anticipatory bail.

The Ld. Public Prosecutor, appearing on behalf of the State as well as learned counsel of informant have opposed the prayer of bail but fairly conceded that witnesses have not supported not supported

contd.-02

07.12.22 regarding extortion and theft as mentioned in **Para-06,07, 08,09** of the case diary.

Perused the anticipatory bail petition and case diary . From perusal of F.I.R it appears that the allegation against accused/petitioners is that they demanded extortion of Rs.1,00,000/ from the informant and due to fear informant has given Rs.20,000/ to co-accused Sachin Kumar and again on 29.08.2022 the petitioners alongwith co-accused entered into the house of informant and abused and assaulted the informant and took away Rs.1,30,000/ from the trunk of informant and torn cloths of wife informant and also assaulted the daughter of informant causing injury on her nose . From bare perusal of case diary it appears that the witnesses have not supported the allegation of extortion and theft and stated that some dispute arose between children of both parties for seeing of mobile phone as mentioned in Para-06,07, 08,09 of the case diary.

Under the aforesaid facts and circumstances of the case ,anticipatory bail petition of the above named accused/petitioners are hereby allowed and the above named petitioner in the event of their arrest or surrender, within four weeks from the date of receipt of this order, shall be admitted to anticipatory bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the court concerned subject to condition as laid down U/s 438 (2) Cr.P.C. (Dictated)

Sessions Judge