

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15444 of 2015

Arising Out of PS.Case No. -570 Year- 2013 Thana -KRITYANAND NAGAR District- PURNIA

1. Prithi Mahto Son of Panchalal Mahto
2. Mukesh Mahto Son of Panchalal Mahto
3. Rabbi Mahto Son of Panchalal Mahto All are residents of Village -
Parora, Police Station - K. Nagar in the district of Purnea.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. P.K.Chaurasiya(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 14-08-2015 Heard learned counsel for the parties.

Having regard to the nature of omnibus allegation against the petitioners for offence under sections 147, 148, 149, 341, 323, 379, 427 of the Indian Penal Code and that there seems to be bonafide land dispute on which the school was being constructed, this Court taking into account that the petitioners' criminal antecedent also is confined only to that very dispute would be inclined to grant privilege of anticipatory bail to the petitioners by making it clear that if they will now start anything which would attract similar offence in respect of that very land, they will not be entitled for privilege of anticipatory bail.

Subject to the aforementioned condition, if the petitioners, namely, Prithi Mahto, Mukesh Mahto and Rabbi Mahto, surrender before the court below within a period of four weeks from today,

they shall 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 Sri J. Kumar, Judicial Magistrate, 1st Class, Purnea in K.Nagar P.S.Case No. 570/2013 (G.R.No. 4318/2013), subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

surendra/-

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(Mihir Kumar Jha, J)