

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36452 of 2014

Arising Out of PS.Case No. -168 Year- 2013 Thana -BHELDI District- SARAN

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1.Rudal Mahto s/o Vijay Mahto
2.Pukar Mahto @ Ram Pukar Mahto, s/o Late Lohit Mahto
3. Kartika Mahto s/o Late Mansi Mahto
All the resident of Village-Nawada Kothi, P.S. Bheldi, District Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the parties.

Learned counsel for the petitioner no.1 at the outset seeks permission to withdraw the prayer of anticipatory bail of petitioner no. 1, Rudal Mahto stating that he has already been arrested.

That being so, the prayer for anticipatory bail of the petitioner no. 1, Rudal Mahto is hereby rejected.

Having regard to the nature of allegation against the petitioner nos. 2 and 3 for the offences punishable under Sections-302/34 of the Indian Penal Code and Section-27 of the Arms Act and that the allegation of causing fire arm injury causing death of the deceased is only against Raj Deo Singh, this Court keeping in view



that the only allegation against the petitioner nos. 2 and 3 of being part of the mob and they have got no criminal antecedent, would direct that if the petitioner no. 2, Pukar Mahto and petitioner no. 3, Kartika Mahto, surrender within a period of four weeks from today, they would be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Chapra** in connection with **Bheldi P.S. Case No. 168 of 2013** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be 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 bailors shall also state on

affidavit that they 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 give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) 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.

(Mihir Kumar Jha, J)

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