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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33742 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -AKHODHIGOLA District- SASARAM (ROHTAS)

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1. Anil Mahto @ Anil Kumar
2. Vijay Mahto @ Vijay Kumar

Both Son of Gurucharan Mahato, Resident of village- Ahibaran Bigha, P.S Akorhigola, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Awadhesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 504, 506, 307 of the Indian Penal Code and 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act.

It is alleged that five accused persons including the petitioners came to the door of the informant, when co-accused Gurucharan Mahto fired and abused by calling caste name, whereupon Chandra Kaushal Kant @ Raju Mahto claimed himself to be an Army Personnel said that I will tackle the consequence, whereupon co-accused Sanjay Mahto fired on the son of the informant namely

Nand Kumar Ram, who received injury on left hand.

It is submitted by the learned counsel for the petitioners that the accusation of firing is specific against Sanjay Mahto. Specific accusation of calling caste name is against co-accused Gurucharan Mahto but no specific accusation has been levelled against the petitioners. For the occurrence of 05.05.2015 the First Information Report was registered on 07.05.2015. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent. Moreover the occurrence took place at the door of the informant which cannot be treated a place of public view.

Considering the fact that the specific accusation is against the other co-accused persons, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Akorhigola P.S. Case No. 55 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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