

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38690 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

- =====
1. Krishna Mahto @ Krishan Mahto, Son of Late Lakhan Mahto
 2. Seo Laddu Mahto, Son of Late Lakhan Mahto
 3. Nageshwar Mahto, Son of Krishna Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-10-2015 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147, 148, 149, 447, 448, 504, 325, 337, 307 and 313 of the Indian Penal Code.

The prosecution case is that the accused persons armed with 'bricks' and 'danda' entered into the house of the informant, made assault and abused when sister-in-law (gotani) Lalo Devi and mother-in-law Sampati Devi came to rescue they were also

assaulted. The specific accusation of assault to the informant is against co-accused Manoj Mahto and Ranbir Mahto, as a result, the pregnancy of the informant got terminated.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and there is nothing on record to suggest that the pregnancy of the informant got terminated due to assault. Moreover, the accusation of assault to the informant with bricks is against non-petitioners Manoj Mahto and Ranbir Mahto. The injury report of the injured are also not on record. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant that due to assault made by the accused persons the pregnancy of the informant got terminated.

Considering the accusation being general and omnibus and the petitioners having no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nalanda

at Biharsarif in connection with Sarmera P.S. Case No.53 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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