

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43778 of 2015

Arising Out of PS.Case No. -245 Year- 2015 Thana -BAHERA District- DARBHANGA

- =====
1. Radhe Shyam Mahto, S/o Prabhu Narayan Mahto
 2. Shyam Mahto @ Shyam Narayan Mahto, S/o Ram Sewak Mahto
 3. Lalit Mahto @ Lalit Kumar Mahto, S/o Laxmi Mahto
- All are residents of village- Narha, P.S.- Bahera, District- Darbhanga
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. M.Rab (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-11-2015

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, 148, 149, 447, 448, 341, 323, 324, 307, 380, 304 of the Indian Penal Code.

The prosecution case is that co-accused Arun Mahto plucked mango from the orchard of the informant. On protest being made, the accused persons entered variously armed in the house of the informant and co-accused Yasodhar Mahto assaulted with farsha on the head of the informant, whereas Arun Mahto assaulted to Raunak Raj by axe, the petitioners assaulted to Ram Nath Mahto. Accused persons also took away the jewellery and other articles of the informant.



It is submitted by the learned counsel for the petitioners that specific accusation of assault is against Yasodhar Mahto and Arun Mahto, who are not petitioners before this court. It is further submitted that Ram Nath Mahto, has not received any serious injury.

It is submitted by the learned counsel for the informant that statement has been made in para-3 of the petition that petitioners have no criminal antecedent, whereas counter affidavit has been filed that the petitioner no. 2 is accused in one case and petitioner no. 3 is accused in four other cases.

It is submitted by the learned counsel for the petitioners that the petitioners have not properly instructed, but all these cases are between the petitioners and the informant's side.

Keeping in view that the accusation of assault not being specific against petitioner no. 2 and 3, let the learned court below consider the prayer for regular bail of the above named petitioner no.2 and 3, if they surrender before the learned court below within a period of six weeks from today in connection with Bahera P.S. Case No. 245 of 2015, pending in the court of learned Chief Judicial Magistrate, Darbhanga.

So far as petitioner no. 1 is concerned, there is no specific accusation against him and statement has been made in para-3 of the petition that petitioner no. 1 has no criminal

antecedent, let the above named petitioner no. 1 be released on bail in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Bahera P.S. Case No. 245 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--