

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51198 of 2014

Arising Out of PS.Case No. -29 Year- 2014 Thana -UJIYARPUR District- SAMASTIPUR

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1. Haribansh Mahto @ Haribansh Prasad Singh
 2. Ram Pravesh Mahto @ Amir Mahto, Both S/O Dorik Mahto @ Jawahar Mahto.
Both, resident of village- Pataili Korbaddha, P.S. Ujiarpur, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. PP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-05-2015 Learned counsel for the petitioners submits that during pendency of this application, the petitioner no.1 has already been arrested.

That being so, the prayer for anticipatory bail of the petitioner no.1, namely, Haribansh Mahto @ Haribansh Prasad Singh is hereby rejected.

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner no. 2 for offence under Section 448, 341, 324, 323, 307, 504, 506, 506/34 of the Indian Penal Code and Section 3(i) (x) of the SC/ST (POA) Act, this Court, by taking into account that there is no allegation of any specific overt act against the petitioner no.2



save and except that he had accompanied the main accused, namely, Sudhir Mahto, who in fact had also been made accused in a case for committing offence of rape by the prosecution party and that it is that case only which is also pending against the petitioner no.2, this Court would direct that if the petitioner no.2, namely, Ram Pravesh Mahto @ Amir Mahto would surrender before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur in connection with Ujiarpur P.S. Case No. 29 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will

inform the court concerned, if the petitioner is implicated in any other case of similar nature after his 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.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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