

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44432 of 2014

Arising Out of PS.Case No. -334 Year- 2013 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

=====

1. Munna Mahto Son of Sri Sipahi Mahto
2. Tunna Mahto Son of Sri Sipahi Mahto
3. Rajesh Mahto Son of Sri Sipahi Mahto
4. Pinku Mahto @ Pinku Kumar Mahto Son of Harendra Mahto All
R/o Village Panapur Langa, P.S. Hajipur Sadar, District Vaishali at Hajipur

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Mukesh Kumar No-1

For the Opposite Party : Mr. Arvind Kr.Pandey(App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 30-07-2015 Heard learned counsel for the petitioners, State and

the informant.

The four petitioners herein seek anticipatory bail in
connection with Hajipur Sadar P.S. case no. 334 of 2013
registered under Sections 307,379 and 384 of the IPC.

The allegation is that the petitioners used to forcibly
demand and receive money from the informant for consuming
toddy. On the relevant day, they again demanded money which
was refused whereafter the accused persons assaulted him. Further
allegation is that the accused Tunna Mahto gave iron rod blow on
the head of the informant.

Contention of the petitioners is that earlier to this a case was lodged by the petitioner no.1 against the brother of the informant alleging that there was scuffle between the parties on consumption of toddy wherein the petitioner no.1 and others were assaulted. There is allegation of assault attributed to Tunna Mahto of causing injury on the head of the informant but no injury has been received by him

Learned counsel for the State and the informant on going through the case diary has fairly stated that no injury report is available on record with respect to the injury of the informant. They have, however, pointed out that petitioner nos. 1 to 3 have one criminal case to their credit whereas petitioner no.4 has no criminal antecedent.

Considering the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Vaishali at Hajipur, in connection with Hajipur Sadar P.S. case no. 334 of 2013, subject to the condition as laid down under Section 438 (2)

of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.
- (iii) During the subsistency of the privilege of anticipatory bail if the petitioners are found involved in any other criminal case, the same shall be treated a breach of conditions of bail entailing cancellation of bail bonds.

(Kishore Kumar Mandal, J)

Shyam/-

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