

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25230 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -MANIGACHI District- DARBHANGA

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1. Dashrath Mahto Son of Late Bangat Mahto
 2. Sikandar Mahto Son of Dasrath Mahto
 3. Mohan Mahto Son of Dashrath Mahto
 4. Pardeo Mahto Son of Late Anoop Mahto
 5. Siri Mahto Son of Late Amar Lal Mahto
 6. Shiv Shanker Mahto Son of Permeshwar Mahto
 7. Bhagwanjee Mahto Son of Late Ram Kishun Mahto
 8. Bihari Mahto Son of Late Balki Mahto

All are resident of village - Kathara, Police Station - Manigachhi and District - Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate.

For the O.P. : Mr. Rajendra Prasad Nat (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 26-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 147,148, 149, 307, 323, 324, 325, 341, 379, 448, 504 and 506 of the Indian Penal Code and Sections 3,4 and 5 of Explosive Substance Act, while this Court was not inclined to grant privilege of anticipatory bail to the petitioners but then what would weigh is the order of the coordinate Bench dated 21.08.2015 in Cr. Misc. No. 35430 of 2015 wherein co-accused Sattan Mahto and Ram Kripal Mahto have been given provisional bail for a period of two months with certain

more directions.

This Court would, therefore, following the order of this Court dated 21.08.2015 in Cr. Misc. No. 35430 of 2015, would direct the petitioners, namely, Dashrath Mahto, Sikandar Mahto , Mohan Mahto , Pardeo Mahto , Siri Mahto , Shiv Shanker , Bhagwanjee Mahto, Bihari Mahto, to surrender within a period of four weeks from today, and if they do so, they shall be also granted provisional bail for a period of two months, on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Manigachi P.S.Case No. 81 of 2015; subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below



will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

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

The petitioners, on completion of for a period of two months, shall surrender and if the court below, having obtained case diary and/or injury report, is satisfied that there is no bomb injury on the informant or any person of the prosecution party, as alleged in the F.I.R., the provisional bail of the petitioner shall be confirmed, but on the other hand, if it is found that there is bomb injury in the injury report on any of the members of the prosecution party including the informant, the petitioners' provisional bail shall not be extended whereafter they will be taken into custody and would be entitled only to make prayer for regular bail.

(Mihir Kumar Jha, J)

Sujit/-

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