

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35430 of 2015

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

1. Sattan Mahto, son of Chalitar Mahto
2. Ram Kripal Mahto, son of Dasrath Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-08-2015 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, 341, 323, 324, 325, 307, 379, 448, 504, 506 of the Indian Penal Code and 3/4/5 of the Explosive Substances Act.

It is alleged that on the order of co-accused Dasrath Mahto, co-accused Manoj Mahto threw explosive on the informant, as a result, the informant received injuries on his leg, hand and below the eyes. Thereafter, the petitioners and co-accused Bachha Babu also threw explosive on the informant and his brother. It is further alleged that co-accused Pradeep Mahto assaulted with iron rod on the head of Satya Narayan Mahto

whereas Sikander Mahto assaulted Bhudan Mahto with iron rod on his head causing fracture injury. Accused persons also robbed the articles from the house of the informant.

It is submitted by learned counsel for the petitioner that the petitioner's side lodged Manigachhi P.S. Case No.79 of 2015 at earlier point of time and thereafter the present case has been lodged. There is no injury report on record, a statement to that effect has been made in para 9 of the petition and from the FIR it appears that explosives used by the petitioners caused no injury to the informant. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for two months, 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 Chief Judicial Magistrate, Darbhanga in connection with Manigachhi P.S. Case No.81 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provision bail of the petitioners shall be confirmed by the learned court below on verification of the fact

that no injury was caused due to throwing of explosives by these petitioners but, if it is found that injury has been caused by the petitioners then the petitioners shall surrender and prayer for regular bail.

(Dinesh Kumar Singh, J)

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