

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20675 of 2015

Arising Out of PS.Case No. -57 Year- 2014 Thana -RIVILGANJ District- SARAN

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1. Jamadar Mahto Son of Late Shivjanam Mahto
2. Gorakh Mahto
3. Manoj Mahto
4. Rajaram Mahto All sons of Jamadar Mahto
5. Jaglal Mahto son of Bharat Mahto
6. Tulsi Mahto son of Shivjanam Mahto
7. Bijesh Mahto son of Tulsi Mahto
8. Hira sah@Hira Lal Sah son of Pashupati Sah.
9. Chhotelal @Chotelal Mahto@Chotel Mukesh son of Krishna Mahto
All residents of Village- Deoria, Police Station- Revilganj district- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 144, 323, 324, 307, 379 and 504 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution story, in brief, is that all the petitioners arrived at the personal pond of the informant and started shipping from the pond and when the informant stopped to do so as the pond was his own property, the petitioners started abusing and when the informant protested the petitioners assaulted him with the butt of country made gun, thereafter Manoj Mahto fired with rifle on him , which hit to another person. Other

petitioners assaulted the informant by lathi, danda and on getting injuries, informant fell down there. Co-accused Gorakh Mahto snatched the golden chin from the neck of the informant.

It has been submitted on behalf of the petitioners that it is a case and counter case. It is further submitted that the dispute is in respect to the pond for which Title Suit No.502 of 2012 is pending in the court below. Learned counsel for the petitioner has further submitted that the petitioners have falsely been implicated in the present case. Annexure 2 to the present application is the counter case.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the fact that it is a case and counter case and Title Suit No. 502 of 2012 is pending in the court below, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran, in connection with Revelganj P.S.Case No. 57 of 2014 , subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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