

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43131 of 2015

Arising Out of PS.Case No. -1 Year- 2015 Thana -KASHICHAK District- NAWADA

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1. Shiv Prasad Mahto, Son of Baso Mahto
2. Anandi Mahto, Son of Late Vishwanath Mahto
3. Bhopu Mahto @ Upendra Mahto, Son of Karu Mahto All are Resident of
Village- Madhepur, P.S.- Kashichak, District- Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 03-11-2015 Heard learned counsel for the petitioners and learned
Additional P.P. for the State.

The petitioners pray for anticipatory bail in a case under
Sections 147, 148, 149, 323, 341, 504, 307 of the IPC and Section
3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.

Learned counsel for the petitioners submits that no
specific allegation has been made against these petitioners with
regard to either abusing or assault and the allegation of using
firearm, which caused injury to Maheshwar Paswan, is against
Pintu Mahto and not against these petitioners.

It is further submitted that as many as three accused
persons on similar allegation have been granted anticipatory bail
by this Court by order dated 28.7.2015 passed in Cr.Misc.No.

30034 of 2015 and order dated 12.8.2015 passed in Cr.Misc.No. 30821 of 2015. It is further pointed out by learned counsel for the petitioners that in the order dated 28.7.2015 although it is mentioned that allegation of firing is against Anandi Mahto but, as a matter of fact, the same is against Pintu Mahto, son of Anandi Mahto, which is evident from the FIR itself.

On a consideration of the facts and circumstances of the case and the nature of allegation made against these petitioners and further considering the orders dated 28.7.2015 and 12.8.2015, it is directed that the petitioners, namely, (1) Shiv Prasad Mahto, (2) Anandi Mahto and (3) Bhopu Mahto @ Upendra Mahto, in the event of their arrest/surrender in the court below within a period of four weeks from today shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Kashichak P.S.Case No. 01of 2015 to the satisfaction of the Chief Judicial Magistrate, Nawada, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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