

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38633 of 2015

Arising Out of PS.Case No. -154 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

- =====
1. Sanjay Mahto Son of Arjun Mahto
 2. Arjun Mahto Son of late Sonful Mahto
 3. Dharam Kumar son of late Chhillu Mahto
 4. Chandan Kumar son of Arjun Mahto
 5. Rinku Kumar son of Chillu Mahto
 6. Harendra Mahto @ Harindra Kumar Mahto Son of Ram Ekbal Mahto
 7. Surendra Mahto son of Ram Ekbal Mahto
 8. Ranjeet Mahto son of Arjun Mahto
 9. Mannu Kumar Son of Mithilesh Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Akbar Ali(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147/148/149/341/342/323/324/307/384/379/504 of the Indian Penal Code.

It is alleged that accused persons including the petitioners came variously armed when petitioner no.8 Ranjeet Mahto assaulted with 'farsa' on the right side of the head of the informant whereas co-accused Ram Ekbal Mahto, non-petitioner, inflicted injury by iron rod to Jago Devi whereas other accused

persons including petitioner no.2 Arjun Mahto took away jewellery and other articles.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general against the accused persons including the petitioners except petitioner no.8, Ranjeet Mahto and non-petitioner Ram Ekbal Mahto. Injuries have been found to be simple though for some of the injuries opinion has been kept reserved. The petitioners are agnates of the informant. The FIR was registered on 14.06.2015 but it reached to the learned court below on 18.06.2015 which reflects antedating of the FIR.

It is submitted by learned counsel for the informant that four persons received injuries and there is specific accusation of assault against petitioner no.8 Ranjeet Mahto and co-accused Ram Ekbal Mahto. He further submits that Ram Ekbal Mahto has been granted regular bail by the learned court below.

Considering the accusation being omnibus and general and delayed reaching of the FIR to the learned court below, let the above named petitioners (except petitioner no.8 Ranjeet Mahto) be released on anticipatory bail, 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 CJM, Muzaffarpur in connection with Brahmpura P.S. Case No.154 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.8 Ranjeet Mahto is concerned, let the learned court below consider his prayer for regular bail, keeping in view of the fact that injury caused by him has been found to be simple in nature and similarly situated co-accused Ram Ekbal Mahto has been granted regular bail, if he surrenders within a period of six weeks from today in connection with Brahmpura P.S. Case No.154 of 2015, pending before the learned CJM, Muzaffarpur.

Accordingly, this application, with respect to petitioner no.8 Ranjeet Mahto, is disposed of.

Ashwini/-

(Dinesh Kumar Singh, J)

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