

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45710 of 2015

Arising Out of PS.Case No. -337 Year- 2013 Thana -KUDHNI District- MUZAFFARPUR

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1. Saryug Mahto Son of Late Bachhu Mahto
 2. Punam Devi @ Puniya Devi Wife of Saryug Mahto
 3. Chandeshwar Mahto Son of Saryug Mahto
 4. Lamoti Mahto Son of Roshan Mahto null
 5. Sanjay Mahto Son of Saryug Mahto
 6. Kalawati Devi Wife of Lamoti Mahto
 7. Raushan Mahto Son of Late Bachhu Mahto
 8. Temsi Mahto Son of Rosan Mahto
 9. Opindra Mahto @ Dhora Mahto Son of Temsi Mahto
 10. Rajiya Devi Wife of Sanjay Mahto
 11. Devanti Devi Wife of Balli Mahto
 12. Sampti Devi @ Sampatiya Devi Wife of Temsi Mahto
 13. Indu Devi Wife of Chandeshwar Mahto
 14. Suku Mahto Son of Balli Mahto
 15. Raju Mahto Son of Temsi Mahto
 16. Balli Mahto Son of Roshan Mahto
 17. Putul Devi @ Puniya Devi Wife of Balli Mahto All resident of village
- Chhajan Harirai Tola, P.S. Kurhni (Turki O.P.), District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioners Mr.
Nachiketa Jha and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kurhni P.S.Case No. 337/2013 registered for the offences punishable under Sections 147, 148, 149, 447, 452,341, 323, 307, 379, 380, 354, 427, 504, 506 and 188 of the Indian Penal Code as well as under Section 10 of the U.A.P.Act..

The F.I.R. has been lodged on the basis of written

application of one Pappi Kumari. The informant alleged that her villager, Raushan Mahto and his Brother Saryug Mahto constructed hut on her land as well as on government land and was evicted on the order of this Hon'ble Court. In the meantime, one Suraj Mahto, a drug addict sustained injury somewhere else for which false case bearing Kurhni P.S.Case No. 271/2013 was lodged against the informant and other persons and later on Suraj Mahto died. The informant further named 37 persons and alleged that the named accused alongwith 400 unknown , who were members of naxal group entered into her house on 05.11.2013 and removed box and several ornaments worth Rs. 1.50 lacs, clothes, utensils and other house hold articles from her house.

It is further alleged that informant went to the house of her brother Birendra Kumar Singh to save her life but the miscreants reached there raising slogans "Maoist Zindabad" and took away attachee box, ornaments, gas cylinder and other documents from the house and they also damaged the house. They ransacked the house with intent to kill and forcibly obtaining possession over the land from which they have been evicted by the administration.

It has been submitted by the learned counsel for the petitioners that they have clean antecedent as is evident from para-3 of the petition and the present case is a fall out and counter case lodged by deceased Suraj Mahto and family members of Suraj

Mahto and witnesses,(who have been made accused in the present case) bearing Kurhni P.S. Case No. 271/2013.

It has further been submitted that there no injury caused on any person and it was just because of enmity that the present case has been lodged, allegations being omnibus and general arising out of mob attack and no overt act is specifically attributed against the petitioners.

Under such circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of six weeks from today before the Court below, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Muzaffarpur in connection with Kurhani P.S.Case No. 337/2013 , subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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