

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20588 of 2015

Arising Out of PS.Case No. -118 Year- 2014 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Ram Krit Mahto Son of Saryug Mahto,
2. Manoj Mahto Son of Ram Krit Mahto,
3. Binod Mahto Son of Ram Krit Mahto,
4. Pramod Mahto, Son of Ram Krit Mahto, All resident of village -
Madhubandih, P.S. - Madhuban, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Yogendra Paswan, Son of Ram Briksh Paswan, Resident of Village -
Madhubandih, P.S. - Madhuban, District - East Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015 The petitioners are apprehending their arrest in connection with Madhuban PS case No. 118/2014 for the offence under section 323, 341, 379, 382, 504, 307, 384/34 of the Indian Penal Code and Section 3(i) (x) of the SC/ST Act.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that the informant filed a petition alleging that on 18.03.2014 all the accused persons came upon his Darwaza and petitioner Ram Krit Mahto demanded Rs. 2000/- in Rangdari and on refusal all the petitioners abused him by saying that he is not paying ransom and petitioner No.1 assaulted the informant with iron rod upon his head as a result he

received bleeding injury and fell down and in fallen condition the other petitioners assaulted him with iron rod. Petitioner No.4 snatched gold Hanumani worth Rs. 5000/- and petitioner No.3 took out Nokia mobile phone worth Rs. 4000/- and they spitted upon the body of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Further, it has been pointed out that date of occurrence is 18.03.2014 but the complaint was filed on 07.04.2014 and thereafter the FIR was instituted under section 156 (3) of the Cr. P.C. and the prosecution has not explained the delay in filing the complaint. It has further been submitted that the petitioners are said to have assaulted the informant in course of the occurrence but there is no injury on record to show that any injury was sustained by the informant.

On behalf of the State it has been submitted that the petitioners are named in the first information report.

Considering the fact that there is no explanation on behalf of the prosecution in respect to delay in instituting the case, 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 Sub- Divisional Judicial Magistrate, Sikarhana at Motihari, East Champaran in connection with Madhuban PS case No. 118/2014, subject to condition as laid down under section 438(2) of the Cr. P.C.

(Sudhir Singh, J)

BKS/-

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