

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56533 of 2015

Arising Out of PS.Case No. -152 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Manif Mahato Son of Janak Mahato
 2. Subhash Mahato, son of Janak Mahato
 3. Janak Mahato, son of Chaturi Mahato all the resident of village- Sisawa Naya Tola, P.S.- Paharpur, District- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 379, 504 of the Indian Penal Code.

The prosecution case is that the accused persons came variously armed, when on the order of petitioner no. 3 Janak Mahto and Dashrath Mahto, co-accused Matichan Mahto, Manif Mahto and Hriday Mahto caused injury to the informant with farsha. Co-accused Bhuta Mahto caused injury to the informant with axe, Manu Mahto caused injury to the informant with garashi,

Mankeshwar mahto caused injury to the informant by spear, Dashrath Mahto took iron rod from the petitioner Subhash Mahto and caused injury to the informant. Petitioner no. 3 and co-accused Hriday Mahto snatched Rs. 25,00/- from the pocket of the informant.

It is submitted by the learned counsel for the petitioners that though the two injuries have been found to be grievous, but accusation of assault is omnibus and general against three persons including petitioner no. 1 Manif Mahto. Accusation of assault is not specific against petitioner nos. 2 and 3. There is counter version of the occurrence.

Let the learned court below consider the prayer for regular bail of the above named petitioner no. 1 Manif Mahto, if he surrenders before the learned court below within a period of six weeks from today in connection with Paharpur P.S. Case No. 152 of 2015, pending in the court of learned Chief Judicial Magistrate, Motihari, East Champaran.

So far as petitioner nos. 2 and 3 are concerned, specific accusation of assault is not against them, statement has been made in para-3 of the petition that petitioners have no criminal antecedent, let the above named petitioner nos. 2 and 3 be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like

amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 152 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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