

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13081 of 2016

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

- =====
1. MANIF MAHTO @ MANIK MAHTO
 2. MATI CHAND MAHTO @ MAKICHANDRA MAHTO Both sons of Janak Mahto,
 3. BHUTA MAHTO
 4. MANU MAHTO @ BHANU MAHTO Both sons of Yamuna Mahto, All resident of Village- Siswa Nuniya Tola, P.S.- Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Jitendra Kr. Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Paharpur P.S. Case No. 152 of 2015 registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 379 and 504/34 of the Indian Penal Code.

Allegedly, the petitioner and others accused persons came variously armed, on the order of co-accused Janak Mahto, Dasrath Mahto , the petitioners Matichand Mahto, Manif Mahto, co-accused Hriday Mahto caused injury to the informant with



Farsha on his head, the petitioner Bhuta Mahto caused injury to the informant with axe on his left arm and the petitioner Manu Mahto caused injury to the informant with *Garasi*, Mankeshwar Mahto caused injury with spear, Dasrath Mahto assaulted him with iron rod after taking from Subash Mahto and Janak Mahto and Hridya Mahto snatched Rs. 25,000/- from the pocket of the informant.

Submission is of false implication due to land dispute, both parties are own agnates, co-accused Manif Mahato, Subhash Mahto and Janak Mahto have been allowed pre-arrest bail whereas, Hirdya Mahto and Dashrath Mahto have been allowed regular bail by different co-ordinate Benches of this Court, injury nos. 1, 3 and 5 have been found simple caused by heavy sharp object, injury nos. 2 and 4 are grievous which are on left shoulder and below right knee, similarly situated co-accused Hirdya Mahto has already been allowed bail, considering the injury report, there was no intervening circumstance, petitioners have surrendered voluntarily and, as such, they deserve sympathetic consideration as petitioner nos. 1 to 3 are suffering in custody since 09.02.2016 whereas, petitioner no. 4 since 26.11.2015.

In the facts and circumstances stated above, considering that similarly situated co-accused Hirdya Mahto has

already been allowed regular bail and also considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran at Motihari in Paharpur in connection with Paharpur P.S. Case No. 152 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

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