

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28859 of 2016

Arising out of P.S. Case No.65 Year- 2016, Thana –SONBERSA RAJ, District- SAHARSA

1. Nirmal Devi, wife of Chhote Lal Mahto
2. Manoj Mahto, son of Chhote Lal Mahto
All are resident of village Maura, Police Station Sonbarsa Raj, District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Adv.
Mr. Dinesh Maharaj, Adv.

For the State : Mr. B.N. Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-07-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Sonbarsa Raj P. S. Case No. 65 of 2016 registered under Sections 147, 149, 341, 323, 325, 307, 353, 332, 327, 504 of the Indian Penal Code and Section 53(A) of the New Excise Act 2016.

At the outset it is submitted by the learned counsel for the petitioners that during pendency of the application, petitioner No. 2, Manoj Mahto, has already been arrested by the Police. In that view of the matter, the instant application under Section 438 of the Code of Criminal Procedure, so far as the petitioner No. 2, Manoj Mahto is concerned, is disposed of as infructuous.

In relation to petitioner No. 1, Nirmal Devi, it is submitted that being the mother of Manoj Mahto, she has been implicated in this case without there being any cogent material against her. The main allegation is against one Kailash Mahto, who was making nuisance in inebriated condition. When he was arrested, it is alleged that four persons including the petitioners tried to rescue him.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Regard being had to the fact that the petitioner No. 1 is a lady and has got no criminal antecedent, in the event of arrest or surrender before the court below within six weeks from today, the petitioner No. 1 named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri S. Das, learned Judicial Magistrate, Saharsa, in connection with Sonbarsa Raj P.S. Case No. 65 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

S.Ali/-

(Ashwani Kumar Singh, J)

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