

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7160 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -HALSI District- LAKHISARAI

- =====
1. Fultun Mahton Son of Sri Bhola Mahto
 2. Teni @Havendra Mahton@Harindan Mahto@Harinandan Kumar Son of Prasadi Mahton
 3. Bhola Mahto Son of late Ramdhani Mahto
 4. Prasadi Mahto son of late Ramdhani Mahto All Resident of Village-Sandh, P.s Halsi, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 341, 325, 506, 379, 385, 307/34 of the Indian Penal Code.

The prosecution case is that 10 accused persons, including the four petitioners, came variously armed and assaulted the brother of the informant. It is specifically alleged that co-accused Sadhu Mahto assaulted the brother of informant with Khanti causing injury on his head, thereafter, co-accused Dharo @ Dharmendra Mahto assaulted the brother of informant causing injury on his ear, co-accused Pramod Mahto assaulted by means of

rod causing injury on his finger and co-accused Arvind Mahto took out Rs. 45,000/- from the pocket of brother of informant.

It is submitted by the learned counsel for the petitioners that accusation of assault is not specific against the petitioners which is specific against co-accused, Sadhu Mahto, Dharmendra Mahto and Pramod Mahto. The injury report reflects only three injuries out of which two have been found to be simple in nature. Statement has been in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts and the fact that no specific overt act has been alleged against the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Om Shankar, learned JM, 1st class, Lakhisarai in connection with Halsi P.S. Case No. 70/2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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