

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16414 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -RAXAUL District- EAST CHAMPARAN
(MOTIHARI)

1. Bhim Prasad @ Bhim Mahto Son of Late Banarsi Mahto
2. Jai Prakash Son of Late Banarsi Mahto **(Anticipatory Bail Petition of this petitioner was dismissed as infructuous vide order dt. 02.05.16)**
3. Prabhu Mahto Son of Ramawatar Mahto
4. Sanjay Mahto Son of Jiut Mahto
5. Mukesh Mahto Son of Jiut Mahto
6. Ramayodhya Mahto Son of Late Bhola Mahto **(Anticipatory Bail Petition of this petitioner was dismissed as infructuous vide order dt. 02.05.16)**

All R/o Village Dumariya, P.S. Raxaul, District East Champaran

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-05-2016 Heard both sides.

The petitioner nos. 1, 3, 4 and 5, namely, Bhim Prasad @ Bhim Mahto, Prabhu Mahto, Sanjay Mahto and Mukesh Mahto apprehend their arrest in a case under Sections 147, 148, 149, 447, 341, 323, 324, 307, 379, 504 of the Indian Penal Code.

The informant Ram Ekbal Prasad named the petitioners along with other accused persons and made specific allegation that Sanjay Mahto (petitioner no. 4) assaulted Vijay



Prasad with Farsa on his head and Bhim Prasad (petitioner no. 1) assaulted Vishwanath Mahto with iron rod on his head and when the family members came to save them, the accused persons assaulted them also. It is submitted that Sanjay Mahto is the assailant of Vijay Prasad but Vijay Prasad did not get any injury and Bhim Prasad is the assailant of Vishwanath Mahto, who got simple injury. It is further submitted that in the counter-case, 10 persons have already been granted anticipatory bail against whom there was no specific allegation of assault. Against the petitioners also there is no specific allegation. There is a case and counter-case.

Learned counsel for the informant as well as learned A.P.P., however, vehemently opposed the prayer for bail but could not be able to show any specific allegation of assault against the petitioners who got grievous injury in mutual mar-pit.

Considering the facts aforesaid, the above named petitioners no. 1, 3, 4 and 5, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged 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 the learned Sub Divisional Judicial

Magistrate, Raxaul at Motihari, East Champaran in Raxaul P.S.
Case No. 06/2016, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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