

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23451 of 2016**

Arising Out of PS.Case No. -32 Year- 2015 Thana -HARIJAN PS. District- NALANDA  
(BIHARSHARIFF)

- =====
1. Sita Ram Mahto
  2. Shiv Mahto Both sons of late Surju Mahto, Resident of Village-Singthu, Police Station-Manpur, District-Nalanda

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1  
For the Opposite Party/s : Mr. Ram Shankar Das(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      25-05-2016      Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 307, 34 of the Indian Penal Code, Section 27 of the Arms Act and 3(1)(x) of the SC & ST (Prevention of Atrocities) Act.

The prosecution case is that the accused persons came and abused the informant by calling caste name as they were under impression that the informant got arrest the brother of the co-accused Satyendra Kumar when co-accused Satyendra Mahto resorted to fire upon the informant but he did not receive any injury. When the police arrived at the place of occurrence then accused persons escaped from the scene. It is alleged that co-accused Satyendra Mahto assaulted with the butt of the pistol on the eye brow of Dhuri Yadav.

It is submitted by learned counsel for the petitioners that accusation of assault is not levelled against the petitioners. Since Manpur P.S. Case No. 47 of 2014 was registered on 16.07.2014 levelling accusation under Sections 147, 148, 149, 323, 325, 307 I.P.C, Section 27 of the Arms Act against informant and others for resorting to fire on the brother of the petitioner Kailash Mahto and one Pradeep Raut, hence as a retaliatory measure the present case has been lodged.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with SC/ST P.S. Case No. 32 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Shageer/-

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