

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24879 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -BAKHRI District- BEGUSARAI

=====

1. Ashok Kumar Mahto, son of Sri Ram Sagar Mahto,
2. Ram Nandan Mahto, son of Late Ghuran Mahto Both are resident of
Village- Makkhachak P.S.- Bakhri, District- Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Anusuiya Jaiswal(App)

For the Informant : Mr. Sandip Kumar Gautam, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-06-2016 The application for anticipatory bail of petitioner no.1

has already been dismissed as infructuous by the order dated

16.6.2016 since petitioner no.1 has been arrested.

Though statement has been made in paragraph 3 of the
application that the petitioners have no criminal antecedent but the
impugned order of the learned Sessions Judge suggests that
petitioner no.1 is accused in Complaint Case No. 2216/2011 and
Bakhri P.S.Case No. 210/2011.

Learned counsel for the petitioners should be careful in
future in making such statement.

Heard learned counsel for the petitioners, learned APP
for the State and the learned counsel for the informant.

Petitioner No.2 is apprehending his arrest in a case

registered for the offence punishable under sections 307/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that on 6.3.2015 the informant being the caretaker of Airtel Tower while entering in the tower, three persons fired upon him which hit on his right side but he did not identify them, he fell down and became unconscious, but subsequently the informant raised suspicion that the tower is situated on the land of Kantlal Mahton. Hence, Vijay Mahton, who is the brother of Kantlal Mahton, might have committed the offence.

The material accusation was levelled against the brother and son of Kantlal Mahton. The name of petitioner no.2 surfaced after seven months of the occurrence, when the father of the informant raised suspicion against the petitioner and filed a complaint petition to this effect. Statement has been made in paragraph 3 of the application that petitioner no.2 has no criminal antecedent.

Considering the accusation based on suspicion raised after seven months of the occurrence, let petitioner no.2, Ram Nandan Mahto, in the event of his arrest or surrender before the court below within a period of twelve weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate, Begusarai in Bakhri P.S.Case No. 58/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

U			
---	--	--	--