

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28487 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -MATIHANI District- BEGUSARAI

- =====
1. Sanjay Mahton Son of Late Jalo Mahton, Resident of Village:- Jilla Punarbash, P.S-Matihani, District- Begusarai.
 2. Devendra Mahton @ Devendra Kumar Son of Ram Pravesh Mahton,
 3. Sudhir Mahton @ Sudhir Kumar Son of Ramsevak Mahton, both resident of village:- Badalpura, P.S- Matihani District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate.
For the State : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 28-07-2016 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners seek anticipatory bail in Matihani P.S.

Case No.34 of 2016 instituted for the offences under Sections

147, 148, 149, 448, 341, 323, 307 and 504 of the Indian Penal

Code.

Learned counsel for the petitioners submits that

Devendra Mahton @ Devendra Kumar (petitioner no.2) has

been arrested during pendency of this application.

Accordingly application against petitioner no.2 is

dismissed as withdrawn.



Allegation has been made that accused persons variously armed came at the Darbaja of the informant and they started assaulting the informant. Specific allegation has been made against petitioner no.3, Sudhir Mahton @ Sudhir Kumar. So far petitioner no.1, Sanjay Mahton, is concerned, there is no specific allegation against him. There is a case and counter case, both sides have received injuries.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner no.1, Sanjay Mahton, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate Ist Class, Begusarai in connection with Matihani P.S. Case No.34 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, looking to the specific allegation, this Court is not inclined to enlarge petitioner no.3, Sudhir Mahton @ Sudhir Kumar, on anticipatory bail. Accordingly his prayer for anticipatory bail is rejected. However, if petitioner no.3 surrenders before the court below within a period of four

weeks, the court below will pass an order on its own merit on the same day without being prejudiced by the order passed by this Court.

(Shivaji Pandey, J)

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