

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37539 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -KHANPUR District- SAMASTIPUR

1. Suresh Mahto @ Suresh Prasad
2. Umesh Mahto@Umesh Prasad Both are Sons of Ram Bilash Mahto
Resident of Village/Mohalla- Jahangirpuri, P.S. Khanpur, District
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate,
For the Opposite Party/s : Mr. Md. Sufiyan, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-09-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Khanpur P.S.Case No. 69/2016 registered for offences punishable
under Sections 147, 148, 149, 323, 379, 353, 504 and 506 of the
Indian Penal Code.

The prosecution case as lodged on the basis of F.I.R.
by the informant, who is Home Guard, is that while he along
with others were on official duty found Suresh Mahto and Umesh
Mahto cutting soil through J.C.B. which was informed by him to
the Junior Engineer on his mobile. The informant noted the
number of J.C.B. and Tractor. Thereafter, petitioner Nos. 1 and 2

Suresh Mahto and Umesh Mahto came there and abused him which was protested by him, upon which they came and assaulted badly. When Phul Prasad Singh came to save him, he too was assaulted and Umesh Mahto assaulted on waist by iron rod and Umesh Mahto snatched mobile and Rs. 3175/- from the pocket along with identity card and torn his dress. On hearing hulla, villagers came, upon which all the accused persons fled away and threatened to kill him.

It has been submitted by the learned counsel for the petitioners that they are innocent and have not committed any offence. He submits that the petitioners were cutting soil in their own land and there was 15-20 persons present, hence, the injury can not be attributable to have been inflicted by the petitioners. It has further been submitted that the injury report specifies no external injury on Md. Shamim and injury on the informant has been found to be simple in nature. He submits that the allegation is general and omnibus and petitioners have no criminal history as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioners have no criminal

history and the allegations are general and omnibus and that the injury has been found to be simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- III, Samastipur in connection with Khanpur P.S.Case No. 69/2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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