

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33748 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -DERNI District- SARAN

1. Arjun Mahto son of late Mahadeo Mahto
2. Pappu Mahto son of Arjun Mahto
3. Kamaldeo Mahto son of late Mahadeo Mahto
4. Santosh Mahto son of Chandrika Mahto All residents of Bishambharpur Lohachha P.O. Sutihar p.s. Derni District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Derni P. S. Case No. 22/2016 registered for offence punishable under Sections 147, 148, 149, 323, 341, 307,353, 332, 427 and 109 of the Indian Penal Code.

The prosecution case is that on the date and time of occurrence, an accident took place of a tempo, in which several passengers were travelling and the said tempo was fallen down in the river near Lohcha bridge (pool) and after receiving the information, the informant being police officials reached there



alongwith other constable for verification, then he found that some villagers alongwith the petitioners were trying to pull out the tempo from the river and ultimately, it was pulled out. The police party was trying to seize the tempo for bringing it to the Police Station then petitioners along with the accused persons alongwith other villagers protested and snatched the tempo forcibly from the possession of police. Other villagers gathered there. Petitioners had thrown the stones over the police and also instigated the other accused persons and unknown persons to assault over the police party.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated by the police officials in the aforesaid case. In fact an accident took place in which a tempo alongwith passengers fell down in the river near the bridge and petitioners alongwith other villagers had voluntarily taken efforts to pull the people out from the river along with tempo. He submits that there is no specific allegation against these petitioners and petitioner No. 1 Arjun Mahto has also filed a complaint case against the police officials for their high handedness. He submits that petitioner No. 1 is a social worker and the petitioner No. 2 is a student of B.A., petitioner No. 3 is a retired Army Subedar and Petitioner No. 4 is a laborer and all

belong to the same village.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioners 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 the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- VII, Chapra in connection with Derni P.S.Case No. 22/2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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