

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6288 of 2016

Arising Out of PS.Case No. -356 Year- 2015 Thana -KUDHNI District- MUZAFFARPUR

1. Ashok Mahto, Son of Mauje Mahto.
2. Mukesh Mahto, Son of Mauje Mahto, Both resident of Village-
Dariyapur Kaphen, P.S.- Kudhani (Turki), District- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Partys

Appearance :

For the Petitioners : Mr. Satya Prakash, Advocate
For the State : Mr. Iftekhar Mahmood, APP
For the informant : Mr. Ravi Shankar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 10-03-2016 Heard learned Counsel for the petitioners, the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kudhani Police Station Case No. 356 of 2015, disclosing offences under Sections 147, 148, 341, 323, 324, 354, 307 and 504 of the Indian Penal Code.

The allegation against the petitioners is that they assaulted the informant and his grand-daughter with axe (farsa) and gave repeated blows.

Learned Counsel for the petitioner has submitted that all the injuries upon the informant and his grand-daughter have been found to be caused by hard and

blunt substance, which falsifies the prosecution case. He further submits that the injuries on the grand-daughter of the informant have been found to be simple and out of the two injuries on the informant, one has been found to be grievous in nature, caused by hard and blunt substance.

Learned Counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail vehemently and has submitted that in the second fardbayan, the informant had asserted that the injuries were caused by hard and blunt substance.

Be that as it may, considering the fact that the petitioners have no criminal antecedents and most of the injuries had been found to be simple in nature caused by hard and blunt substance, this application is allowed.

Let the petitioners, namely, Ashok Mahto and Mukesh Mahto, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Santosh Kumar Jha, Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Kudhani Police Station Case No. 356 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.



Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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