

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.7925 of 2016**

Arising Out of PS.Case No. -113 Year- 2015 Thana -MOKAMAH District- PATNA

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1. Sunaiyana Devi, W/o Ram Balak Mahto.

2. Kundan Kumar, S/o Ram Balak Mahto.

3. Santosh Kumar, S/o Ram Balak Mahto.

All resident of Village - Bari Durga Asthan, P.S. - Mokama,  
District – Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kr. Kashyap, Adv.

For the Opposite Party/s : Mr. Gopesh Kumar (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**

ORAL ORDER

2     06-04-2016                      Heard learned counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,  
arises out of Mokama P.S. Case No.113 of 2015,  
disclosing offences under Sections 341, 323, 380, 324 and  
504/34 of the Indian Penal Code.

Allegation, according to the First Information  
Report, is that one Poonam Kumari had taken the cell



phone of the informant with her permission. The informant subsequently sent her daughter, namely, Soni, to collect the said cell phone. It is alleged that when the daughter of the informant went there, the accused persons, including these petitioners, poured hot oil on her and, thereafter, on the informant also when she reached there.

On perusal of the records, it appears that petitioners belong to same family. Petitioner No.1 is the wife of one Ram Balak Mahto, whereas, petitioner Nos.2 and 3 are his sons.

It is submitted by learned counsel for the petitioners that they were released by the police in course of investigation under Section 41(A) of the Code of Criminal Procedure, 1973. He, therefore, submits that there is no chance that the petitioners shall be fleeing away from the course of justice, if they are granted the privilege anticipatory bail.

Considering the submission, as above, this application is allowed. Let the petitioners, abovenamed, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the

satisfaction of **learned Additional Chief Judicial Magistrate, Barh, Patna**, in connection with **Mokama P.S. Case No.113 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, abovenamed, 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.

**(Chakradhari Sharan Singh, J.)**

Praveen-II/-

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