

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19834 of 2016

Arising Out of PS.Case No. -224 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Indrajeet Mahto Son of Late Bhuali Mahto
 2. Mukti Mahto, Son of Late Bhuali Mahto
 3. Tarkeshwar @ Tarkeshwar Mahto Son of Late Bhuali Mahto
 4. Khublal Mahto @ Khublal Prasad Son of Prayag Mahto
 5. Babloo Mahto @ Babloo Prasad Son of Shivpujan Prasad
 6. Lalbabu Prasad Son of Janardhan Prasad All are resident of Village-
Balua Tola Sohsaraiya, P.S.- Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Amit Kr. Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-05-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,307,504 and 506/34 of the Indian Penal Code.

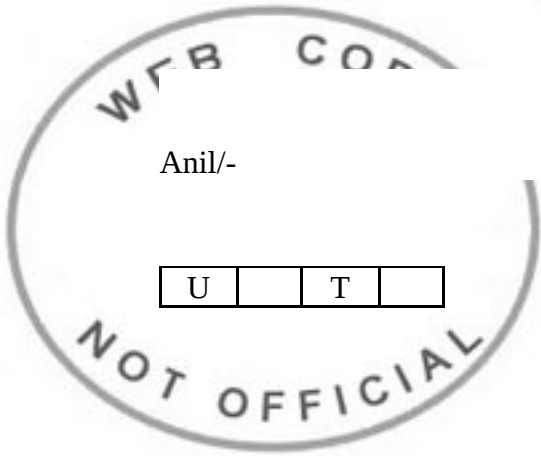
The prosecution case is that the informant Paltu Ram, while returning after irrigating the paddy field on 10.8.2015, took shelter in the shop of Gobardhan Prasad since it started raining but the accused persons assuming him as thief, made assault and caused injury to the informant.



It is submitted by the learned counsel for the petitioners that the informant and others entered into the shop of Gobardhan Prasad and committed theft leading to registration of Paharpur P.S. Case No. 236 of 2015. It is further submitted that no motive for assaulting the informant has been mentioned in the FIR. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent. The learned Sessions Judge has rejected the prayer for anticipatory bail of the petitioners since he found the case true under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. It has also been stated that petitioner nos. 1,2 and 3 belong to the Scheduled Caste category.

Considering the nature of accusation and the petitioners having no criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran in connection with Paharpur P.S. Case No.224 of 2015 subject to the conditions as laid down

under Section 438(2) Cr.P.C.



Anil/-

(Dinesh Kumar Singh, J)