

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5820 of 2016

Arising Out of PS.Case No. -459 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Nagina Mahto, Son of Bhabhikshan Mahto @ Rajbibhishan Mahto
 2. Binda Mahto, Son of Bhabhikshan Mahto @ Rajbibhishan Mahto
 3. Raj Kumar Mahto, Son of Sukhdeo Mahto

All are residents of Village - Ojha Mathiya, P.S. - Majhauiliya,
District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-02-2016 Sri Bimlesh Kumar Pandey, learned counsel for the

petitioners, in presence of Sri Sanjay Kumar, learned Addl. Public

Prosecutor as well as Sri Brij Kishore Mishra, learned counsel for

the informant, at the very outset submits that during pendency of

the present petition, petitioner no.1, namely, Nagina Mahto has

already been arrested. Accordingly, the prayer for anticipatory bail

in respect of petitioner no.1 stands dismissed, as the same has

become infructuous.

Two petitioners i.e. petitioner nos. 2 and 3,

apprehending their arrest in connection with Majhauiliya P.S. Case

no.459/15 registered for the offence under Sections 147,148, 341,

323, 307, 504 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code was also added, have prayed for grant of anticipatory bail.

Learned counsel for the petitioners submits that in the F.I.R. there is general and omnibus allegation. Moreover, according to learned counsel for the petitioners, the postmortem report does not corroborate the specific accusation against the petitioners. He further submits that litigation in between the parties was going on since long and, as such, he makes a prayer for grant of anticipatory bail to the petitioners.

Fact remains that the informant of the present case, who had made specific accusation against the accused persons regarding assault, subsequently died in hospital. On perusal of paragraph-3 of the petition it is evident that all the petitioners are having criminal antecedents also and they are accused in number of cases.

In view of nature of accusation, I do not find any ground for extending the privilege of anticipatory bail. The petition stands dismissed.

(Rakesh Kumar, J)

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