

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11380 of 2016

Arising Out of PS.Case No. -521 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Shiv Mangal Mahto @ Shiv Gangmal Mahto @ Shiv Gangal Mahto son
of Dasai Mahto Resident of village- Saphi Sagar Tola, P.S. Turkauliya,
District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 20-06-2016 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 307 and other sections of the Indian Penal Code.

The petitioner is alleged to have caught the
informant, Hiralal Mahto, along with Ganesh Mahto and Kedar
Mahto is alleged to have assaulted the informant with Garasi.
Co-accused Kunti Devi and Prakash Mahto are also alleged to
have assaulted the informant but co-accused Ganesh Mahto, Kunti
Devi and Prakash Mahto have already been granted anticipatory
bail vide order passed in Cr. Misc. No. 52961 of 2015. It is
submitted that there is no allegation of assault against the
petitioner and his case stands on same footing as that of Ganesh

Mahto and prior to lodging of this case Prakash Mahto filed a case against the informant and others for killing of his mother and thereafter this false case has been lodged.

Considering the fact that prior to lodging of the present case the informant has been made accused in a case under section 302 of the IPC and there is no specific allegation of assault against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in Turkauliya P.S. Case No. 521 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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