

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29913 of 2016

Arising Out of PS.Case No. -115 Year- 2016 Thana -BAHERA District- DARBHANGA

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1. Lalit Mahto @ Lalit Kumar Mahto, son of Harilal Mahto
2. Sunil Kumar Mahto @ Sunil Kumar, son of Ram Prakash Singh
3. Ram Prakash Singh, son of Late Kamal Mahto
4. Shambhu Mahto @ Shambhu Kumar Mahto, son of Raghunath Mahto
5. Sudhir Mahto @ Sudhir Kumar Mahto, son of Raghunath Mahto, All are residents of Village Bhagwatpur, P.S. Bahera, District Darbhanga
..... Petitioners

Versus

1. The State of Bihar
..... Opposite Party

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Appearance :

For the Petitioners : M/S B.N.P. Singh & Jagdish Prasad Singh, Adv.
For the State : Mr. Rajeev Nayan, APP 231
For the informant : M/S Prem Kumar Jha & Rajesh Kumar Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 30-08-2016 It is submitted by the learned counsel for the petitioners that petitioner no. 2, Sunil Kumar Mahto, has been arrested, during the pendency of this anticipatory bail application, hence, the application for anticipatory bail has become infructuous and he may be permitted to withdraw the same.

Liberty is granted.

The application, as against petitioner no. 2 is, thus, dismissed as infructuous. The case shall now proceed as against petitioners 1, 3, 4 and 5 only.

Heard the learned counsel for the petitioners and the learned counsel appearing for the State. The counsel for the informant is also present.

This is a petition for grant of anticipatory bail for offence under Sections 147, 148, 149, 447, 341, 323, 325, 324, 307, 354, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that

there is history of enmity between the parties, with case and counter case between them. The petitioners are alleged to have attacked the members of the informant's side with lathis and axe and as a result thereof the injuries found on the person of those who are said to have been attacked have been found to be simple in nature.

The learned counsel appearing for the informant submits that they had all come with a motive of killing the members of the informant's side and were fully armed and it was only on interference of the villagers that they could escape.

Having heard both the sides, it appears that there is general and omnibus allegation against all the accused persons. The injuries can not be attributed to one single person and have been found to be simple in nature.

Having considered all facts and circumstances and also, since, the petitioners have no criminal antecedent, let the petitioners 1, 3, 4 and 5, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with the Bahera P.S. Case No. 115 of 2016 to the satisfaction of the Additional Chief Judicial Magistrate, Benipur, Darbhanga, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Anjana Mishra, J)

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