

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52742 of 2016**

Arising Out of PS.Case No. -423 Year- 2015 Thana -MUZAFFARPUR SADAR District-  
MUZAFFARPUR

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1. Akaldeo Mahto
2. Sudhan Mahto
3. Suraj Mahto
4. Vimal Mahto @ Vimal Kumar All sons of Late Bindeshwar Mahto
5. Soni Devi wife of Akaldeo Mahto
6. Anita Devi wife of Sudhan Mahto
7. Rekha Devi wife of Suraj Mahto All residents of village - Sherpur, P.S. Sadar, District Muzaffarpur.
8. Shobha Devi wife of Jitendra Mahto
9. Jitendra Mahto @ Jitendra Kumar son of Late Achhelal Mahto Both residents of Village - Prahladpur, P.S.Mushahari, District - Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      22-12-2016                      Heard learned counsel for the petitioners as well as  
learned APP for the State.

The petitioners seek anticipatory bail in connection with Sadar P.S. Case No. 423 of 2015 instituted for the offences punishable under Sections 323, 341, 354, 376, 511, 435, 380 of the Indian Penal Code, Section 27 of the Arms Act and Section 6/7 of the POSCO act.

It has been submitted on behalf of the petitioners that there is general allegation against all the accused persons of assault and attempt to commit rape on the informant. It has further been submitted that the mother of petitioner nos. 1, 2, 3,



4 and 8 and mother –in-law of petitioners no. 5, 6, 7 and 9, namely, Nageena Devi has already lodged Sadar P.S. Case No. 177 of 2015 against the husband of the informant, due to that, the informant has filed the present case. Further, submission of the learned counsel for the petitioners is that even the police has found not found the case true under Section 376/511 of the Indian Penal Code against the petitioners, but the learned magistrate has taken cognizance under Section 376 also.

Heard the learned APP also.

Having heard both sides, in view of the submission of the parties and on the fact that even the police has not found the case true under 376/511 and however, learned Magistrate has taken cognizance also, let the petitioners above named, are directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, POSCO Act, Muzaffarpur in connection with Sadar P.S. Case No. 423 of 2015, on subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Vinod Kumar Sinha, J)**

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