

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20175 of 2016

Arising Out of PS.Case No. -129 Year- 2002 Thana -ROSERA District- SAMASTIPUR

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1. Randhir Mahto, S/o Ramdhyan Mahto
2. Umesh Mahto s/o Bharat Mahto, both Resident of vill- Khaira Dargah,
P.S. Rosera Distt. Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumari Rashmi

For the Opposite Party/s : Mr. Binod Kr. - 3 (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-05-2016 Heard learned counsel for the petitioners and the learned
Additional Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Rosera P.S.Case No. 129/2002, disclosing offences under sections
302/34, 120B of the Indian Penal Code and section 27 of the Arms
Act.

It transpires from the material on record that the First
Information Report was registered on 18.11.2002 against
unknown. Upon completion of investigation the police submitted a
report charge-sheeting two persons, who were not named in the
F.I.R. and closed investigation in absence of any evidence against
other accused persons, who were not named in the F.I.R. It also
appears that on the basis of the said police report submitted on



31.12.2005, trial commenced. It is submitted on behalf of the petitioners that during pendency of the trial, the Sub-divisional Judicial Magistrate passed an order dated 2.12.2008 taking cognizance of the offence against these petitioners also. He has submitted that after the trial had commenced, the Sub-divisional Judicial Magistrate did not have any occasion to pass further orders taking cognizance. It has further been submitted that the persons, against whom charge sheet was submitted and were put on trial, came to be finally acquitted by the judgment and order dated 11.1.2012 passed in S.Tr.No. 878/2004. It has also been submitted that the petitioners actually had no knowledge about the said order dated 2.12.2008 passed by the learned S.D.J.M. Immediately after having learnt about the said orders, the petitioners applied for grant of anticipatory bail as they apprehend their arrest.

Considering the background of the case as is evident from the records and the submissions made on behalf of the petitioners, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on 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 A.C.J.M., Rosera, Samastipur in Rosera P.S.Case No. 129/2002, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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