

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39953 of 2017

Arising Out of PS.Case No. -90 Year- 2017 Thana -DHURAIYA District- BANKA

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1. Vikash Yadav @ Vikash Kumar Yadav, Son of Biso Yadav @ Bisheshwar Yadav.
 2. Rajendra Mahto, Son of Gulabi Mahto.
 3. Guddu Mahto, Son of Bhubneshwar Mahto.
 4. Bikash Mahto, Son of Maheshwar Mahto @ Mahesh Sharma
 5. Satrugan Mahton @ Mandal, Son of Bhagli Mahto.
 6. Pintu Mahto, Son of Uadeshwar Mahto,
 7. Nepali Mahto, Son of Jageshwar Mahto @ Madu Mahto,
 8. Pappu Sah, Son of Rameshwar Sah,
 9. Bhajjo Yadav, Son of Siyaram Yadav,
 10. Pradeep Mahto, Son of Jagdish Mahto,
 11. Ajju Kunwar, Son of Rambhal Yadav,
 12. Rambilas Yadav, Son of Siyaram Yadav,
 13. Bipin Yadav, Son of Ram Prasad Yadav @ Prasadi Bhagat,
 14. Mukesh Mahto, Son of Maheshwar Mahto.
 15. Begari @ Begari Mahto @ Baleshwar Mahto, Son of Paddu Mahto.
 16. Bijay Mahto, Son of Janardhan Mahto,
 17. Debari Mahto, Son of Dina Mahto @ Diba Mahto,
 18. Tuntun Mahto, Son of Rajendra Mahto,
 19. Ranjit Yadav, Son of Sukdeo Yadav,
 20. Mannu Yadav, Son of Shakti Yadav,
 21. Bipin Mahto, Son of Upendra Mahto @ O.P. Mahto,
 22. Sebak Mahto, Son of Govind Mahto,
 23. Subodh Yadav, Son of Gansari Gyaneshwari Yadav,
 24. Dablu Mahto, Son of Tanni Mahto. All are resident of Village-
Ucchdiha, P.S. Dhoraiya, District Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-09-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.



Petitioners are languishing in judicial custody since 22.05.2017 in connection with Dhoraiya P.S. Case No. 90 of 2017 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 337, 338, 332, 353, 188, 295(A), 427, 504 and 506 of the Indian Penal Code.

The prosecution case, as lodged by the Block Development Officer, is that on the occasion of Shabe-barat, situation between the two communities was tensed and thereafter people of one community resorted to pelting stones on the police officials and other community.

It is submitted by the learned counsel for the petitioners that it was a mob attack in which 30 persons have been named by the police informer and 50 persons have been unnamed. He submits that some of the accused persons named in the First Information Report, have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 36524 of 2017 on 10.08.2017 and Cr. Misc. No. 39339 of 2017 on 19.08.2017. He submits that no overt act has been committed by the petitioners, as it was a mob attack and the petitioners could not have been specifically named to have committed the offence.

However, learned A.P.P. for the State opposes the



prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Banka in connection with Dhoraiya P.S. Case No. 90 of 2017.

(Nilu Agrawal, J.)

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