

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6383 of 2017

Arising Out of PS.Case No. -154 Year- 2016 Thana -KURSELA District- KATIHAR

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1. Subhash Mahto
2. Maidna Mahto @ Maidan Mahto
3. Subodh Mahto
4. Dinesh Mahto, all are S/o Late Din Dayal Mahto, R/o Gobrahi, P.S.-
Kursela, Distt.-Katihar

.... Petitioner/s

Versus

. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 03-04-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Kursela P.S. Case No.154/16 registered under Sections 354,
341, 323, 448/34 of the Indian Penal Code.

The accusation is that the petitioners in drunken state
armed with firearm entered into the house of the informant at
about 11.00 P.M. on 11.11.2016 and started to lift saree of the
informant who woke up and raised alarm. Then petitioner no.1
became nervous and assaulted the informant with butt of the rifle
causing injury on her head as a result of which she became



unconscious. In the meantime, husband of the informant, brother – in-law and other came there and they were also assaulted.

Learned counsel for the petitioners submits that while the occurrence is said to be occurred but the F.I.R. has been lodged on 16.11.2016 without any proper explanation. Moreover, petitioner no.1 has also filed a case against the informant bearing Kursela P.S. Case No.155/16 registered under Sections 341, 323, 379, 504/34 of the I.P.C. on 16.11.2016 against the informant regarding land dispute.

Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. The prayer for anticipatory bail of the petitioners is rejected.

However, petitioners are directed to surrender before the trial court within four weeks and pray for regular bail which shall be considered on its own merit without being prejudiced by this order.

(Rajendra Kumar Mishra, J)

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