

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1079 of 2017

Arising Out of PS.Case No. -83 Year- 2016 Thana -HATHUA District- GOPALGANJ

- =====
1. Mahajan Mahto, s/o Chulhai Mahto,
 2. Manoj Mhagat @ Manoj Bhagat, S/o Late Babu lal Bhagat,
 3. Harendra Gond, S/o Late Babu Lal Gound,
 4. Birendra Shahi, S/o Vikramjit Shahi,
 5. Rajan Shahi, S/o Birendra Shahi,
 6. Jaswant Rai, S/o Keshav Rai,
 7. Keshav Rai, S/o Late Ram Nihora Rai,
 8. Mahabir Thakur, S/o Late Manraj Thakur, All are residence of Chanpur, Thana Hathua, Distt. Gopalganj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Sushil Kumar, Advocate

For the Opposite Party : Mr. Sri Matloob Rab (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 17-01-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Hathua P.S. Case No. 83 of 2016, registered for the offences punishable under Sections 341, 323, 354(A), 379 and 504/34 of the Indian Penal Code.

Allegedly, the informant being the Headmaster of Primary School Middle, Chainpur was teaching the students and then Krishna Yadav and Byas Yadav came in school, Byas Yadav called her and demanded account register. She replied that the



school is inspected by Education Committee. Thereafter both of them abused her and thereafter the petitioners abused and surrounded her and in the meantime, Krishna Yadav caught hair and pushed her and started assaulting her with leg. She started crying then Rajan Sahi the petitioner no.5 snatched gold chain and *mangalsutra* and Byas Yadav took away attendance register and register of mid-day meal and Manoj Bhagat took away his ladies purse containing Rs. 4,000/- and essential documents and further they caused threats.

Submission is of false implication and that the prosecution story is totally false and fabricated. Due to panchayat election the petitioners have been implicated at the instance of the mukhia, who is own relative of the informant and, as such, the petitioners deserve sympathetic consideration as the main allegation is against Krishna Yadav and Byas Yadav and not against the petitioners.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation against **petitioner no. 2 (Manoj Bhagat) and petitioner no. 5 (Rajan Sahi)**, I am not inclined to **grant privilege of pre-arrest to them and accordingly their**



such prayer stands rejected.

However, considering that against the rest petitioners there is no specific allegation and, as such, the **petitioner no. 1 (Mahajan Mahto), petitioner no.3 (Harendra Gond), petitioner no. 4 (Birendra Shahi, petitioner no. 6 (Jaswant Rai, petitioner no. 7 (Keshav Rai) & petitioner no. 8 (Mahabir Thakur), in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each** to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Hathua P.S. Case No. 83 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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