

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43657 of 2017

Arising Out of PS. Case No.-171 Year-2012 Thana- BATHNAHA District- Sitamarhi

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1. Ashok Mahto son of Mahendra Mahto
 2. Saroj Mahto son of Mahendra Mahto
 3. Kamlesh Mahto son of Mahendra Mahto
 4. Sushil Mahto son of Krit Mahto
 5. Brij Nandan Mahto son of Tapeswar Mahto All residents of Village - Lachhua, Police Station - Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. SRI AMIT KUMAR RAKESH

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 17-10-2017 Heard learned counsels for the petitioners and the State.

Petitioners apprehend arrest in connection with Bathnaha P.S. Case No. 171 of 2012 registered for the offence punishable under section 307 and other allied sections of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that petitioners have been falsely implicated in this case due to land dispute. Nothing specific has been alleged against these petitioners. Specific allegation of assault is against co-accused Ram Nandan Mahto of assaulting by means of Rod. Petitioners have no criminal antecedent.

Learned Addl. P.P. appearing for the State submits that



there is specific allegation against petitioner no. 1, Ashok Mahto of assaulting by means of lathi leading to injury.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner nos. 2 to 5, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 171 of 2012 subject to the conditions laid down under section 438(2) Cr.P.C.

However, considering the nature of allegations levelled against petitioner no. 1, Ashok Mahto which is supported by the injury, I am not inclined to grant his the privilege of anticipatory bail. His prayer for anticipatory bail is, therefore, rejected.

(Arvind Srivastava, J)

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