

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58457 of 2017

Arising Out of PS.Case No. -330 Year- 2017 Thana -KUDHNI District- MUZAFFARPUR

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1. Ranjit Mahto, Son of Bhagnarayan Mahto,
2. Kaushalya Devi, W/o Bhagnarayan Mahto,
3. Putul Devi, Wife of Ranjit Mahto,
4. Bhagnarayan Mahto, Son of Late Jageshwar Mahto, All resident of
Village- Fatehpur Kasturi, P.S.- Kudhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the State : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Kudhni P.S. Case No. 330 of 2017 instituted for the offence under Section-307 & other minor Sections of the Indian Penal Code and 138 of N.I. Act.

It has been submitted on behalf of the petitioners that allegation against petitioner No. 1 is of assaulting the informant with Chholni on the head. There is no allegation of specific overt act against petitioner Nos. 2, 3 & 4.

The injury report of the informant has been enclosed at page 15 and CT scan has been enclosed at page-18. Focal calcific foci is seen in left parietal region. Posterior fossa structures including fourth ventricle appear normal. Skull calvarium is normal. Clacified granuloma in left parietal region was in CT scan report.

Therefore, this court is not inclined to grant anticipatory bail to the petitioner No. 1. Accordingly, prayer for anticipatory bail of petitioner



No. 1 is rejected.

The petitioner No. 1 is directed to surrender in the court below and seek regular bail which will be considered by the court below and in accordance with law without being prejudiced by this order.

So far as petitioner Nos. 2, 3 & 4 are concerned; there is general and omnibus allegation against them. Therefore, prayer for anticipatory bail is allowed and it is ordered that the petitioner Nos. 2, 3 & 4 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Kudhni P.S. Case No. 330 of 2017 to the satisfaction of Sri Nayan Kumar, learned Judicial Magistrate-Ist Class, West, Muzaffarpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 2, 3 & 4 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner Nos. 2, 3 & 4 and (3) if petitioner Nos. 2, 3 & 4 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner Nos. 2, 3 & 4.

(Sanjay Priya, J)

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