

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 8272 of 2017

Arising out of P.S. Case No. - 191 Year - 2016 Thana - BARUN District - AURANGABAD

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1. Pintu Kumar, Son of Bishunpat Mahto
 2. Subhash Mahto, Son of Late Narayan Mahto
 3. Lalu Prasad, Son of Bishunpat Mahto, All resident of Village - Tiwary
Bigha, P.S. - Barun, District - Aurangabad

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Leelawati Kumari, Advocate

For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-03-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

In the occurrence of assault specific allegation is against the petitioner no. 2 Subhash Mahto that he caused injury with gadasa at the head of the informant. Others assaulted with lathi.

Submission of the petitioners is that the injury report would reveal that the Doctor has found lacerated wound simple in nature caused by hard and blunt substance which belies the



prosecution case. Moreover, there is no allegation of repetition of blow.

However, considering the fact that petitioner no. 2 Subhash Mahto had knowledge that his act might cause death, I am not inclined to enlarge him on bail. Accordingly, the prayer for bail is refused.

Let the petitioner no. 1 Pintu Kumar and petitioner no. 3 Lalu Prasad, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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, Aurangabad/Successor Court in connection with Barun Police Station Case No. 191 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Birendra Kumar, J)

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