

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38227 of 2017

Arising Out of PS. Case No.-48 Year-2017 Thana- BISHWAMBHARPUR District-
Gopalganj

-
1. Pappu Mahto, Son of Prahlad Mahto,
 2. Dhananjay Mahto Son of Prahlad Mahto, Both 1 & 2 are R/o
Village- Vijayeeupur, P.S.- Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 30-10-2017 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bishambharpur Police Station Case No. 48 of 2017, disclosing offences under Sections 147, 149, 341, 323, 326, 379 and 504 of the Indian Penal Code.

Learned Counsel appearing on behalf of the petitioners has submitted that it is evident from the First Information Report that there is no motive attributed. It has also been submitted that there was apparently some kind of scuffle between the injured and the petitioners. In addition, he has submitted that the injuries have been found to be simple in nature, caused by hard



and blunt substance. Addition of Section 379 of the Indian Penal Code, according to learned Counsel for the petitioners, is superimposition.

Considering the above submissions, this application is allowed.

Let the petitioners, namely, Pappu Mahto and Dhananjay Mahto, in the event of their arrest or surrender before the Court below within six weeks, 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 Additional Chief Judicial Magistrate X, Gopalganj, in connection with Bishambharpur Police Station Case No. 48 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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