

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42734 of 2017**

Arising Out of PS.Case No. -31 Year- 2017 Thana -CHAURI District- BHOJPUR

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1. Vinay Mahto son of Deo Nath Mahto  
2. Deo Nath Mahto @ Deo Nath Singh son of Kapildeo Mahto Both  
residents of Village - Kaulodihari, P.S. - Chauri, District - Bhojpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Braj Kishore Singh

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

3      01-11-2017                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chauri Police Station Case No. 31 of 2017, disclosing offences under Sections 341, 323, 379, 376, 511, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, no occurrence as alleged in the F.I.R. has taken place rather the petitioners have falsely been implicated in this case. There is case and counter case between the parties. According to F.I.R. it is apparent that no rape has been committed, therefore, Section 376 is not made



out against the petitioners. Moreover, the parties have compromise their dispute, which is evident from annexure-3. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-12, Bhojpur at Ara, in connection with Chauri Police Station Case No. 31 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Arvind Srivastava, J)**

Brajesh/-

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