

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48171 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -DALSINGHSARAI District- SAMASTIPUR
=====

1. Mani Kant Mahto, Son of Basudeo Mahto,
2. Rabish Mahto Son of Lakhan Mahto,
3. Prema Devi W/o Ramesh Mahto, All R/o Village- Bulakipur, P.S.-
Dalsingsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Dashrath Mehta, A.P.P.
=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 16-11-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Dalsignsarai Police Station Case No. 111 of 2017,
disclosing offences under Sections 147, 148, 149, 323, 341, 307,
379, 325 and 427 of the Indian Penal Code.

Learned counsel for the petitioners has submitted
that there is general and omnibus allegation against these
petitioners and no specific overt act is attributed to him. In fact,
there is land dispute between the parties and for that
Dalsigasarai P.S. Case No. 115 of 2017 has been lodged by
Ramesh Mahto, co-accused, against the informant and in
retaliation these petitioners have falsely been made accused in
this case. Petitioner no. 3 is a lady and she has not assaulted any



one. Hence, the petitioners deserve the privilege of anticipatory bail.

Learned A.P.P. has opposed the prayer for bail and submitted that there is direct allegation of assault by means of iron rod on the father of the informant resultantly, hand of father of informant has fractured.

Considering the facts and circumstances of the case, let the petitioner No. 2 and 3, 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, Dalsingsarai, Samastipur in connection with Dalsingsarai Police Station Case No. 111 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner No.1 is concerned, considering the direct allegation of assault by means of iron rod, this Court is not inclined to grant the privilege of anticipatory bail to this petitioner. Accordingly, the prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J)

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