

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26170 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -SALKHUA District- SAHARSA

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Anil Mahto, Son of Suro Mahto, Resident of Village- Sahuriya, P.O.- Chidaiyya,
P.S.- Salkhua, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Salkhua P.S. Case
No. 05 of 2017 dated 10.01.2017 instituted under Sections
147/148/149/341/323/324/325/342/447/379/354/307/504/506 of the
Indian Penal Code.

3. The allegation against the petitioner and 21 others is
that they had assaulted and abused the informant and others. It has
further been indicated in the *fardbeyan* that the incident happens
frequently due to land dispute.

4. Learned counsel for the petitioner submitted that
there is also a counter complaint case for the same incident and once
it is admitted in the *fardbeyan* itself that said type of incident
frequently happens due to land dispute, it is clear that both the parties



have fought with each other and even if some incident took place, it is not of such grave nature, for even the injury report discloses that the same were simple in nature and not dangerous to life. Learned counsel took a categorical stand that in future he will not indulge in any criminal activity.

5. Learned A.P.P. submitted that against the petitioner, there is specific allegation of assault by iron rod.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, II, Saharsa in Salkhua P.S. Case No. 05 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two



consecutive dates, without sufficient cause, shall also lead to
cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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