

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38731 of 2017

Arising Out of PS.Case No. -75 Year- 2015 Thana -NAUTAN District- -

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1. Saukh Lal Mahto @ Saukh Lal Chauhan, Son of Ramashish Mahto.
2. Suraj Mahto @ Suraj Chauhan, Son of Saukh Lal Mahto @ Saukh Lal Chauhan
Both Resident of Village- Gambhirpur, Police Station- Nautan, District-Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate.

For the Opposite Party/s : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Nautan P.S. Case No. 75 of 2015 instituted for the offence under Sections 147, 148, 149, 323, 324, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act.

It has been submitted that there is specific allegation of causing firearm injury on the person of the informant. There is allegation against petitioner No. 1 of assaulting the uncle of the informant with *Farsa*. There is no any allegation of specific overt act against petitioner No. 2.

The injury report of uncle of the informant has been



filed as Annexure-3 wherein the Doctor has found injury No. 1, 2, 3, 4, 6 are simple in nature whereas injury No. 5, 7 and 8 was kept reserved for X-ray caused by hand and blunt substance. Injury No. 1 is lacerated wound size 1" x ¼" muscle deep over mid region of forehead caused by hard and blunt substance.

It is mentioned in paragraph-3 of the bail petition that petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Nautan P.S. Case No. 75 of 2015, they shall be released on anticipatory 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-IX, Siwan, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or



the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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