

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36158 of 2018**

Arising Out of PS. Case No.-139 Year-2017 Thana- SAHIYARA District- Sitamarhi

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1. Rakesh Mahto, Son of Dev Narain Mahto,
  2. Dev Narain Mahto, Son of Bhola Mahto @ Bholi Mahto, Both are resident of Village- Orlahiya, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      03-07-2018              Heard learned counsel for the petitioners and learned APP  
for the State.

Petitioners apprehend their arrest in Sahiara P.S. Case No.  
139 of 2017 instituted for the offence under Section(s)341, 323  
and 307/34 of the Indian Penal Code.

In the written report, it is alleged that on the date of  
occurrence the petitioners assaulted the father of the informant  
and when informant went to save him he was also assaulted by  
the accused persons.

It is submitted that petitioner no.2 and informant are own  
brothers and petitioner no.1 is son of petitioner no.2. The  
compromise has also taken place between the parties. The  
doctor has found the injuries on the person of the injured to be



simple in nature. The injury report is annexed as Annexure-3 to the bail petition.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Sahiara P.S. Case No. 139 of 2017, 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 the I/c C.J.M, Sitamarhi 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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