

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70870 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- BARAULI District- Gopalganj

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1. RAJBALAM MAHATO @ RAJBALLAM MAHATO, Son of Bachcha Mahto
 2. Sandeep Kumar, Son of Raju Mahato
 3. Dahari Mahato, Son of Lagan Mahato
 4. Anita Devi, Wife of Oshihar Mahato
 5. Umlawati Devi @ Umawati Devi, Wife of Sheo Shankar Mahato
 6. Subhawati Kumari, D/o- Rajbalam Mahato, All Resident of Village-Jalpurawa,P.S. Barauli,Distt.-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan
For the Opposite Party/s : Mr. J.N.Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for offences punishable under Sections 147, 148, 302, 307, 323, 341 and 504 of the Indian Penal Code.

The prosecution case as per the written report of Hareram Mahato dated 08.05.2018 submitted to SHO, Police Station Barauli is to the effect that on the same day at 8.00 A.M., a panchayati was fixed with regard to some land dispute and for fixing bamboo grain storage, in the meantime, 19 accused persons including the petitioners came and started



assaulting the informant, when the family members of the informant came to rescue they were also assaulted.

It is submitted by learned counsel for the petitioners that except few abrasions no serious injury has been found during postmortem. The doctor failed to ascertain the cause of death and the opinion has been reserved with regard to viscera examination. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. It is further submitted that there is counter version of the occurrence being Barauli P.S. Case No. 120 of 2018. It is also submitted that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. Nos. 57570 and 58140 of 2018.

Learned APP submits that the petitioners are named in the FIR and there is accusation of assault on the informant and his family members.

Considering the fact that the accusation against the petitioners have been found to be omnibus and general against 19 accused persons and the accusation not being corroborated with the medical report, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be



released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-XIV, Gopalganj in connection with Barauli P.S. Case No. 119 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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