

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11341 of 2018

Arising Out of PS. Case No.-498 Year-2017 Thana- MAJORGANJ District- Sitamarhi

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1. Manoj Kumar, S/oof Ram Pragash Mahto
 2. Nilam Devi, W/o Manoj Kumar
 3. Ram Pragash Mahto, S/o Late Ram Ballam Mahto
 4. Malti Devi, W/o Sanjay Kumar
 5. Ramashray Mahto, S/o Late Ram Ballam Mahto
 6. Ram Pravesh Mahto, S/o Ramashray Mahto
 7. Ram Kalevbar Mahto, S/o Ramashray Mahto
- All R/o village- Kothiya Rai, P.S. Mejorganj, District- Sitamarhi.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Dinesh Jha, Advocate
For the Opposite Party	:	Mr. Mritunjay Kumar Nirala (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 28-02-2018 Supplementary affidavit has been filed annexing photocopy of injury report of Indu Devi, Jagannath Kumar Kuswaha and Madhu Kumari. Let it be kept on record

Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Mejorgunj P.S. Case No. 498 of 2017, registered for the offences punishable under Sections 147, 149, 341, 323, 307, 379, 504 of the Indian Penal Code.

The learned counsel for the petitioners submits that from plain reading of F.I.R. it reveals that F.I.R. is the version of



some lady wheres Ramnath Mahto has been shown as informant and he has signed F.I.R. which makes the prosecution case doubtful. All the injuries found on the person of Indu Devi, Jagannath Kumar Kuswaha and Madhu Kumari have been found simple in nature except injury no.2 of Madhu Kumari which has been noticed as dangerous to life though the same is bruise on neck. No injury has been found on the head of Indu Devi and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail of Ram Kalevbar Mahto against whom there is allegation that he wrapped towel on the neck of Indu Devi and dragged her from the house and against Malti Devi there is allegation for snatching Mangalsutra and against Ram Pravesh Matho there is allegation for taking of Rs. 25,00/-.

In the facts and circumstances as stated above, considering the allegation attributed against the **petitioner no.7 (Ram Kalevbar Mahto)**, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands **rejected.**

So far other petitioners i.e. **petitioner no.1(Manoj Kumar, petitioner no.2 (Nilam Devi), petitioner no.3 (Ram**



Pragash Mahto), petitioner no.4 (Malti Devi), petitioner no.5 (Ramashray Mahto) and petitioner no.6 (Ram Pravesh Mahto) in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order **shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each** with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Mejorganj P.S. Case No. 498 of 2017 , subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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