

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31715 of 2018

Arising Out of PS.Case No. -305 Year- 2017 Thana -PATORI District- SAMASTIPUR

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1. Dev Narayan Prasad Mahto @ Dev Narayan Mahto @ Deo Narayan Mahto, s/o late Thakur Prasad Mahto
2. Anil Kumar Yadav
3. Pramod Kumar
Both sons of Dev Narayan Prasad Mahto
All Residents of Village- Jalalpur, P.S. Patory (Mohanpur O.P.), District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suneil Kumar Thakur, Advocate.
For the informant	:	Mr. Ram Bilash Mahto, Advocate. Mr. Dilip Kumar Roy, Advocate. Dr. Alok Kumar Alok, Advocate. Mr. Hanslal, Advocate.
For the State	:	Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 11-07-2018 Heard learned counsel for the petitioners, learned counsel for the informant and the State.

The petitioners apprehend their arrest in **Patory P.S. Case No. 305 of 2017** instituted for the offence under Sections 447, 341, 323, 324, 307, 379 and 354/34 of the Indian Penal Code.

It has been submitted that there is case and counter case between the parties. Counter case has been filed on the basis of Fard-e-beyan given by petitioner No. 1 against the informant and others vide Patory P.S. Case No. 310 of 2017 in which



petitioner No. 1 as well as sister of petitioner No. 2 have sustained serious injuries. The copy of discharge tickets/slips issued by PMCH in favour of petitioner No. 1 and sister of petitioner No. 2 has been enclosed as Annexure-3 series.

In the instant case there is allegation that petitioners assaulted the informant and his other family members causing injury to them. The injury report of the persons injured in the instant case has been enclosed as Annexure-4 series which shows that all the injuries found on the person of the injured to be simple in nature. There is case and counter case between the parties in which both parties have sustained injuries.

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 **Patory P.S. Case No. 305 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 learned **Chief Judicial Magistrate, Samastipur**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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