

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61007 of 2017

Arising Out of PS. Case No.-191 Year-2017 Thana- KAUAKOL District- Nawada

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1. Anirudh Kumar, Son of Arjun Mahto, Resident of Village- Sekhodeora, Police Station- Kawakole, District- Nawadah
 2. Sahdeo Mahto @ Sahdeo Mahton, Son of Late Baiju Mahto, Resident of Village- Sekhodeora, Police Station- Kawakole, District- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Kawakole P.S. case no 191 of 2017 instituted for the offence under Section(s) 147,149,341, 342, 325, 379, 307, 354 and 504 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that both parties are 'Gotiyas'. There is land dispute between the parties.

In the written report, it is alleged that petitioner no.1 assaulted the father-in-law of the informant with Tangi on account of which he sustained cut injury in right finger. It is further alleged that petitioner no.2 assaulted with iron khanti to



the father-in-law of the informant causing injury in his leg. It is further alleged that four sons of Sahdeo Mahto also assaulted with rod and khanti causing fracture in the leg of the father-in-law of the informant.

Case diary has been received.

Learned APP after looking into the case dairy submits that there is no injury report available in the case diary and the injured was referred to the PMCH. But the injury report of PMCH is not available in the case diary.

Learned counsel for the petitioners has pointed out Annexure-2 which is the order sheet dated 3.11.2017 of the learned Court of A,C.J.M. Nawada from which it transpires that petitioner no.1 was physically present in the Court below along with other accused persons in different case bearing G.R. case No. 2638 of 2013/ R.56790 of 2015 for commitment of case to the Court of sessions.

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 Kauakole P.S. case no. 191 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 learned A.C.J.M.-IV, Nawadah, 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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