

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68647 of 2018

Arising Out of PS. Case No.-261 Year-2018 Thana- ROSERA District- Samastipur

ARUN MAHTO @ ARUN KUMAR MAHTO, Son of Late Ganga Mahto,
Resident of Village-Batha,P.S. Rosera,Distt.-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Yogendra Prasad Sinha, Advocate.

For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 307, 323,
337, 341, 427, 447, 504, 506 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner
alongwith other co-accused persons variously armed entered the
premises of Sundari Devi, *Saraswati Vidya Mandir, Bataha*.
Later on, they entered in the chamber of the Principal of the said
School, abused and committed *Mar-Pit* with him. They
damaged the properties of the School as well as vehicle parked
in the premises of the School. During the occurrence, some
students were also injured. It is further alleged that accused
persons fired in the premises of the School.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The alleged incident has taken place due to handing over charge of the Incharge Principal of the said School. None is said to have been injured in course of occurrence. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Samastipur, in connection with Rosera P.S. Case No. 261/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

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