

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70296 of 2018

Arising Out of PS. Case No.-402 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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1. Chhotelal Mahto S/o Jugeshwar Mahto
 2. Anil Mahto @ Anil KUMar, S/o Chhotelal Mahto Both Resident of Village-Hat Saraiya (KhIriya Ghat) P.S.-Bairiya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-12-2018

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bettiah (T) P.S Case No. 402 of 2018, disclosing offences under Sections 147, 148, 341, 323, 379, 324 and 504 of the Indian Penal Code.

The persons named in the FIR belong to the same family. It is alleged in the FIR that there was some dispute between the informant and the persons named in the FIR and because of the said animosity the accused persons intercepted the informant on the date of occurrence, when he was carrying a sum of Rs.40,000/-. Allegedly, all the accused persons assaulted the informant and snatched the said amount of Rs. 40,000/- from his possession

Learned counsel, appearing on behalf of the petitioners, has submitted that no offence under Section 307 IPC



is made out as Section 307 IPC was added nearly 19 days after registration of the FIR. He has also submitted that the case of the prosecution, as narrated, is highly improbable inasmuch as it is unbelievable that all members of the same family shall commit the nature of offence, as alleged.

Considering the above submissions, this application is allowed. Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, 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 the learned CJM, Bettiah in Bettiah (T) P.S.Case No. 402 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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