

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71136 of 2018

Arising Out of PS. Case No.-308 Year-2018 Thana- KESARIA District- East Champaran

1. Rakesh Mahto, son of Badri Mahto
2. Srikanti Devi, D/o Badri Mahto
3. Om Prakash Mahto @ Prakash Mahto, son of Badri Mahto
4. Manju Devi, D/o Badri Mahto
5. Sheo Dulari Devi @ Sunari Devi, D/o Badri Mahto All residents of Village- Sagar Churaman, P.S. Kesariya, District- East Champaran. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2018 Heard counsel for the petitioners and counsel
appearing on behalf of the State.

The petitioners are apprehending arrest in connection with Kesariya P.S. Case No. 308 of 2018 for offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner submits that the petitioners have no criminal antecedent.

Considering the allegation levelled by the prosecution against petitioner Nos. 1 and 3, namely, Rakesh Mahto and Om Prakash Mahto @ Prakash Mahto, against whom there is specific allegation of overt act, the Court is not inclined to grant them anticipatory bail. Their prayer is, accordingly,



rejected.

So far as petitioner Nos. 2, 4 and 5 are concerned, they are female and they have no criminal antecedent. Considering the aforesaid, the court is inclined to enlarge the petitioner Nos. 2,4 and 5 on bail. Let the petitioner Nos. 2,4, and 5, above named, in the event of arrest or surrender within four weeks from today, be released on 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 Additional Chief Judicial Magistrate -II, Motihari, District- East Champaran in connection with Kesariya P.S. Case No. 308 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P. C.

In the event, the petitioner Nos. 1 and 3 surrender and pray for regular bail, the court below is directed to dispose of the same on the same day on its own merit without being prejudiced by rejection of their prayer for anticipatory bail.

(Anil Kumar Upadhyay, J)

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