

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39456 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- MARHAURA District- Saran

-
1. Ramadhar Mahato @ Ramadhar Raut, Son of Dashrath Mahato @ Dashrath Raut,
 2. Uday Mahato @ Uday Raut, Son of Mukhlal Mahato @ Mukhlal Raut, Both are residents of Village- Asoiyan, Police Station- Marhowrah, District- Saran (Chapra).

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2018

Heard learned counsels for the petitioner and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 379 and 354/34 of the Indian Penal Code.

The prosecution case as per the written report of Guddi Devi, dated 01.05.2018, submitted to the Station House Officer, Marhowrah Police Station is to the effect that on 01.05.2018, in the morning, the informant went outside to ease and when she was returning, petitioners, Ramadhar Mahto, Uday Mahto and co-accused Dharmendra Mahto started assaulting her and when the co-villager, Mithilesh Singh came to rescue her then he was also assaulted. In course of assault, saree of the informant was torn, as a result of which, the



informant became naked. The accused persons also snatched Rs. 2,000/- from co-villager, Mithilesh Singh.

It is submitted by learned counsel for the petitioners that for the occurrence of 01.05.2018 in the morning, the FIR has been lodged on the same day at 12.45 PM, which reached to the Court of learned ACJM on 07.05.2018, which suggests that by antedating, the FIR has been registered, whereas the wife of petitioner no.1, Ram Rati Devi also lodged Marhowrah P.S. Case No. 177 of 2018 with accusation under Sections 341, 323, 325, 354B and 506/34 IPC, on 01.05.2018 at 12.30 PM. The accusation against the petitioners is omnibus and general. It is further submitted that from the FIR itself, it appears that no injury has been caused to the informant and accusation levelled under Sections 354 and 379 of the IPC is cosmetic in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are having no criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the case lodged by the petitioners' side at earlier point of time, no injury has been caused to the informant, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having



any criminal antecedent, let the above named petitioners be released on anticipatory bail in the events of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-13, Chapra, District-Saran, in connection with Marhowrah P.S. Case No. 178 of 2018, subject to the condition laid down under Section 438 (2) of Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

