

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9404 of 2018**

Arising Out of PS. Case No.-275 Year-2017 Thana- KHAIRA District- Saran

1. Mukesh Mahto, Son of Rameshwer Mahto  
2. Gopal Kumar Mahto @ Gopal Kumar Prasad @ Gopal Kumar Mahto, Son of Sri Raj Nath Mahto  
3. Dharmendra Mahto, Son of Sri Raj Nath Mahto  
4. Daroga Mahto, Son of Ram Prasad Mahto  
5. Madan Kumar Prasad @ Madan Mahto, Son of late Harihar Prasad  
6. Lal Saheb @ Lal Saheb Mahto, Son of Nageshwer Mahto  
7. Kameshwer Mahto, Son of late Narayan Mahto  
8. Manoj Mahto, Son of Tal Keswer Mahto  
9. Haribansh Mahto, Son of late Nayak Mahto  
10. Sakal Mahto, Son of Shyam Lal Mahto  
11. Shambhu Mahto, Son of Ram Dev Mahto  
12. Baban Mahto, Son of Parmeshwer Mahto  
13. Bhola Mahto, Son of Ram Lal Mahto  
All resident of Village- Bhadariya, P.S.-Khaira, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Adv.  
For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2     17-02-2018     Heard learned Counsel for the petitioners and learned APP  
for the State.

The petitioners are apprehending arrest in a case registered  
for the offences punishable under Sections 147, 148, 149, 341,  
323, 447, 504, 506, 354B, 379, 384, 427 and 337 of the Indian  
Penal Code.

The prosecution case got initiated on the basis of written



report dated 16.11.2017 submitted by Ranju Devi to the Station House Officer, Khaira Police Station to the effect that 30 accused persons including the petitioners came at the house of the informant on 16.11.2017 and started abusing the informant. The accused persons also began constructing a road over the land of the informant. On protest being made, the informant was assaulted and disrobed. It is further alleged that the accused persons snatched the gold earring and locket from the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of a dispute, as the informant and his son used to sell illicit liquor, which was protested by the petitioners, hence the present case has been lodged. There is counter version of the occurrence being Khaira P.S. Case No. 283 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that though the accusation is omnibus and general, but some of the petitioners are named in the FIR.

Considering the nature of accusation in the background of dispute with regard to construction of road and accusation being omnibus and general, coupled with 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 event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 ACJM-X, Saran in connection with Khaira P.S. Case No.275 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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