

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51923 of 2018

Arising Out of PS.Case No. -119 Year- 2018 Thana -HUSSAINGANJ District- SIWAN

=====

1. Birendra Mahto,
2. Sheo Nath Mahto, Both are Sons of Sakhichand Mahto.
3. Surendra Mahto, son of Keshwar Mahto.
4. Achchey Mahto, Son of Sheo Nath Mahto.
5. Raj Kumar Mahto, Son of Birendra Mahto.
6. Jai Prakash Mahto,
7. Om Prakash Mahto, Both 6 & 7 are Sons of Surendra Mahto, All
resident of Village- Hasanpura, Nonia Tola, P.S. M.H. Nagar, District-
Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
For the Opposite Party/s : Mr. Amrendra Prasad, APP
For the Informant : Mr. Anil Kumar Tiwary, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-10-2018 The petitioners are in custody since 23.05.2018 in

connection with Hussainganj P.S. Case No. 119 of 2018,

registered for offences punishable under Sections 147, 148, 149,

341, 323, 324, 302, 504 and 506 of the Indian Penal Code.

Allegation against the petitioners is of assault to the

deceased, causing death.

Submission of learned counsel for the petitioners is

that there is no eye witness of the assault to the deceased and

furthermore no injury report is available on the record. Petitioners

are in custody since 23.05.2018.



Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for bail of the petitioners on the ground that petitioner no. 1 is accused in two cases, whereas petitioner nos. 2, 3, 4, and 7 are accused in one more case and this fact has been suppressed by the learned counsel for the petitioners while coming to the Court and further other persons have also received injuries.

Having heard both sides, in view of the facts and circumstances as stated above and also considering that the petitioners has concealed the fact with regard to criminal antecedents, as such, I am not inclined to grant bail to the petitioner nos. 1, 2, 3, 4 and 7. Hence, their prayer is rejected.

So far petitioner nos. 5 and 6 are concerned, considering the facts and circumstances of the case, let the petitioners nos. 5 and 6, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan, in connection with Hussainganj P.S. Case No. 119 of 2018, with following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the



jurisdiction of the concerned Court.

- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

In view of the aforesaid, this application is disposed of.

(Vinod Kumar Sinha, J)

sunil/Amjad/-

U		T	
---	--	---	--

