

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2893 of 2018

Arising Out of PS.Case No. -90 Year- 2017 Thana -DHURAIYA District- BANKA

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1. Binod Mahto, S/o Late Ramchandra Mahto,
2. Pankaj Mahto, S/o Late Ramchandra Mahto,
Both R/o Village- Uchchdiha, P.S.- Dhoriya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Dhoraiya**
P.S. Case No. 90 of 2017 instituted for the offence under Sections
147, 148, 149, 341, 323, 324, 325, 307, 337, 338, 332, 333, 188,
295(A), 427, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
petitioners are not named in the First Information Report. There is
no specific allegation of overt act against these petitioners.

As per prosecution case, 31 named and 50 unnamed
persons abused the Administration and the police party when the
police party went in Qabristan to allow the Muslim community to
do worship.



It is mentioned in paragraph-3 of the bail petition that petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Dhoraiya P.S. Case No. 90 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-IV, Banka**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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