

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3161 of 2018

Arising Out of PS.Case No. -371 Year- 2017 Thana -MOTIHARI MUFAFIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Dinesh Mahto,
2. Krishna Mahto,
Both Sons of Late Sheobalak Mahto,
3. Pramod Mahto
4. Rajesh Mahto
Both Sons of Ramnath Mahto,
5. Ramnath Mahto, S/o Late Vira Mahto,
All R/o Village- Madhbani Ghat, P.S.- Muffasil, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party/s : Mr. Shailendra Kumar -1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Muffasil P.S.**

Case No. 371 of 2017 instituted for the offence under Sections
147, 148, 149, 323, 324, 307, 379, 504 and 506 of the Indian
Penal Code.

Learned counsel for the petitioners has submitted that

there is general and omnibus allegation against these petitioners.

There is specific allegation against co-accused Pundeo Mahto and
Suraj Mahto of assaulting father of the informant with sword and



Farsa. Petitioner Nos. 1, 2, have assaulted the informant and his father Chandrika Mahto by means of *lathi* whereas allegation against petitioner Nos. 3, 4 and 5 is of assaulting Ram Naresh Mahto and Sunita Devi by means of *lathi* also. It has further been submitted that both parties are agnates and occurrence has taken place on account of land dispute between them.

The injury reports of all the injured have been enclosed as Annexure-2 series wherein the Doctor has found all the injuries on the person of the injured to be simple in nature except opinion with regard to injury No. 4 on right index finger of Chandrika Mahto was kept reserved.

Learned counsel for the Informant and learned counsel for the A.P.P. have submitted that total three persons have sustained injuries.

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 **Muffasil P.S. Case No. 371 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 Chief Judicial Magistrate, East Champaran at Motihari**,



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.

S.Ali/-

(Sanjay Priya, J)

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