

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26997 of 2018

Arising Out of PS. Case No.-169 Year-2016 Thana- DARBHANGA District- Darbhanga

1. Baso Mahto @ Babu Mahto, son of Late Rudal Mahto
2. Indar Mahto @ Indal, Son of Baso Mahto @ Babu Mahto, Both are Residents of Mohalla Mufti, P.S. Town, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 323, 542, 354 and 380 of the IPC.

The prosecution case got initiated with the filing of Complaint Case No. 1090 of 2016 by Mahrn Nisha on 16.08.2016, which came to be registered as a police case after the complaint being transferred under Section 156(3) of the Cr. P.C. The prosecution case is that on 12.08.2016, at 10 AM, the accused persons came armed with lathi, danda and Khanti and started demolishing the gate of the informant. On protest being made, the petitioners pulled the Saree of the informant and assaulted her with fists and slaps. Co-accused Pintu Mahto took



away an attache, containing clothes and ornaments worth Rs. 50,000/- whereas co-accused Ram Narayan Mahto took away another Attachee, containing clothes and Rs. 30,000/- cash.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of serious land dispute. For the occurrence of 12.08.2016, the complaint was filed on 16.08.2016, which came to be registered as a police case on 09.09.2016.

It is further submitted that wife of petitioner no.1, Domni Devi filed Informatory Petition No. 985 of 2016, on 16.08.2016, as contained in Annexure-2, alleging therein that the informant's side closed the pathway, obstructing the right of easement of the accused persons.

It is further submitted that wife of petitioner no.1, Domni Devi also filed Complaint Case No. 1163 of 2016 against the petitioners' side. However, no one received any injury. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioners.

Considering the delayed lodging of the complaint, accusation being levelled in the background of land dispute and



the information petition filed by the petitioners' side at earlier point of time, let the above named petitioners be released on anticipatory bail in the event 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 Judicial Magistrate, 1st Class, Darbhanga in connection with Darbhanga Town P.S. Case No. 169 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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