

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55830 of 2018

Arising Out of PS. Case No.-99 Year-2018 Thana- HARSIDHI District- East Champaran

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1. Sukat Mahto, S/o Kauden Mahto,
 2. Krishna Mahto S/o Sukat Mahto,
 3. Shatrudhan Mahto S/o Sukat Mahto, All are R/o Vill.- Mathlohiar, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-12-2018 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their arrest in connection with Harsidhi P.S. Case No. 99 of 2018 dated 27.03.2018 instituted for the offences under Sections 147, 148, 149, 323, 354(B), 379, 386 and 308 of the Indian Penal Code.

Mr. Anshuman Singh, learned counsel for the petitioners, after drawing the attention of this Court to the averments made in the F.I.R., has submitted that no specific allegation has been levelled against these petitioners, who are father and two sons respectively. The F.I.R. has been



lodged against several persons with the allegation of entering in the house of the informant and taking away valuables.

It has further been submitted on behalf of the petitioners that there is a reason for falsely implicating the petitioners. Prior to the present occurrence, a cousin of one of the accused persons, namely, Sanjay Mahto was killed by the family members of the informant, for which Harsidhi P.S. Case No. 5 of 2018 was instituted for the offence under Section 302 of the I.P.C.

It has further been submitted that reading the F.I.R., even between the lines, no offence under Section 354(B) or 386 I.P.C. can at all be said to be made out.

Lastly, it has been submitted that with respect to the same occurrence, the local police has come out with a different version of the case.

Taking into account the aforesaid facts as also that the petitioners have clean antecedents, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below



within a period of four weeks from the date of receipt /
production of a copy of this order, on their furnishing bail
bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with
two sureties of the like amount each to the satisfaction of
the learned Chief Judicial Magistrate, Motihari in connection
with Harsidhi P.S. Case No. 99 of 2018, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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