

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38260 of 2018

Arising Out of PS.Case No. -320 Year- 2017 Thana -BATHNAHA District- SITAMARHI

- =====
1. Ramashish Mahto @ Ram Ashish Mahto, S/o Late Janulal Mahto,
 2. Chandeshwar Mahto, S/o Sukhnandan Mahto, Both R/o Village-
Motnaje, P.S.- Bathnaha, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
11.05.2018 in connection with Bathnaha P.S. Case No. 320 of
2017 for offences punishable under Sections 147, 148, 149,
302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while her husband Dular Rai along with Lal Krishan Rai was
returning after witnessing Mahavir Jhanda function, 20-25
villagers of Motnaje village including the petitioners intercepted
and with lathi, danda and farsa assaulted the informant's husband
who during course of treatment succumbed to the injury.

It has been submitted by the learned counsel for the



petitioners that they are innocent, as many as 20-25 persons have been stated to be present out of which 17 including the petitioners have been named in the F.I.R. He submits that they have no criminal antecedent and have been falsely in the aforesaid case, the allegations being general and omnibus. He further submits that accused made in the F.I.R. has been granted the privilege of bail in Cr. Misc. No. 6856 of 2018 vide order date 27.02.2018 by a coordinate Bench of this Court.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of three months in custody on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 320 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.
- (2) Petitioners will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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