

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71715 of 2018

Arising Out of PS. Case No.-123 Year-2012 Thana- RIGA District- Sitamarhi

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1. Ramnath Mahto, S/o Ramasish Mahto.
 2. Santosh Kumar, S/o Ramnath Mahto.
 3. Ramdeo Mahto, S/o Ramasish Mahto.
 4. Dilip Mahto, S/o Ramdeo Mahto.
 5. Ranjit Mahto, S/o Ramdeo Mahto. All Residence of Village- Kushmari, P.S.- Rija, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ritesh Kumar Narain Singh, Advocate.
For the Opposite Party : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 325 and 307/34 of the IPC.

The prosecution story, in brief, is that on 19.07.2012 at 9.00 P.M. accused persons who are *pattidars* of the informant came at the house of the informant and abused him. He protested on which petitioner no. 1 Ram Nath Mahto assaulted him with *bricks* due to which, he sustained head injury. His uncle Ravindra Mahto, came to rescue him but he was also assaulted by petitioner no. 3 Ramdeo Mahto and petitioner no. 4 Dilip Mahto with *rod* on his head.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. From perusal of order of the learned A.D.J. II, Sitamarhi, it is evident that the nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Sitamarhi, in connection with Riga P.S. Case No. 123 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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