

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46548 of 2018

Arising Out of PS.Case No. -70 Year- 2018 Thana -NAWADA MUFFASIL District- NAWADA

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1. Shailesh Mahto, Son of Karu Mahto, resident of Village- Bharausa,
Police Station- Mufassil, District- Nawada.

2. Dharmendra Kumar, Son of Krishna Mahto, resident of Village- Aulipur,
Police Station- Narhat, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2018 Learned counsel for the petitioners submits that

petitioner no. 1, Shailesh Mahto has already been arrested and

therefore, his anticipatory bail petition has become infructuous.

Accordingly, the anticipatory bail petition of petitioner
no. 1 is dismissed as has become infructuous.

Petitioner no. 2 apprehends his arrest in Muffasil P.S.

Case No. 70/2018, instituted for the offences punishable under

Sections 448, 341, 323, 325, 307 and 379/34 of the Indian Penal

Code.

As per written report, co-accused Shailesh Mahto

assaulted the daughter of informant with *Garasa* causing head

injury and she fell down. It is further alleged that petitioner no. 2



Dharmendra Kumar assaulted the daughter of informant with *lathi* on all over her body. Sonu Kumar assaulted the wife of informant with iron rod.

Learned counsel for the petitioner has submitted that there is case and counter case between the parties. Wife of petitioner no. 2 happens to be brother's wife of informant has lodged Muffasil P.S. Case No. 71/2018. It is further submitted that Sessions Judge has mentioned about the injury of Sapna Kumar that she has sustained one injury of size 3"x1/3"x1/8", which is alleged to have been caused by co-accused Shailesh Mahto.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of petitioner no. 2 is allowed. In the event of surrender/arrest of petitioner no. 2, named above, within six weeks from today, in connection with Muffasil P.S. Case No. 70/2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the



court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner 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 petitioner.

(Sanjay Priya, J.)

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