

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55005 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- PHULPARAS District- Madhubani

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1. Sanjay Mahto @ Sanjay Kumar Mahto Son of Dhanik Lal Mahto
 2. Ras Lal Mahto Son of Ram Prasad Mahto
 3. Shobhit Mahto@ Sabhi Tahto Son of Ram Prasad Mahto
 4. Dhaneshwar Mahto Son of Ram Prasad Mahto All are resident of Village- Bhatwari, P.S. Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-10-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 3 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no 3.

Counsel for the petitioners is permitted to make necessary corrections in paragraphs 1 and 5 of the application in course of the day.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner nos. 1, 2 and 4 are apprehending their



arrest in a case registered under Sections 147, 148, 149, 341, 323, 435, 379, 354, 325, 324, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that accused persons forcibly entered into the house of the informant and misbehaved with her daughter. It is also alleged that accused set her hut on fire.

It has been submitted on behalf of the petitioners that the petitioner nos. 1, 2 and 4 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1, 2 and 4. There is a case and counter case between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner nos. 1, 2 and 4 are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 2 and 4, above named, in the event of arrest/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 learned A.C.J.M. -II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 48 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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